

**THE CHALLENGES OF PLANNING FOR POVERTY REDUCTION IN
URBAN KENYA: THE CASE OF NAIROBI'S LOCAL AUTHORITIES
SERVICE DELIVERY ACTION PLANS (LASDAP) (2005-2007) PLANNING
APPROACH IN THE VIWANDANI WARD**

Grace Nyonyintono Kawomera Lubaale

**A thesis submitted to the Faculty of Engineering and the Built
Environment, University of the Witwatersrand, Johannesburg, in
fulfilment of the requirements for the degree of Doctor of Philosophy.**

Johannesburg, 2014

DECLARATION

I declare that this thesis is my own, unaided work. It is being submitted for the Degree of Doctor of Philosophy in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination at any other University.

A handwritten signature in blue ink, appearing to read 'M. Lubani', with a long, sweeping flourish extending to the right.

27th day of August 2014

ABSTRACT

This study explores the challenges of urban planning for poverty reduction that are faced by public institutions in urban Kenya. The existing studies in urban planning show that very little is known about these challenges. However, it is well acknowledged that globally urban poverty has increased at rates much higher than rural poverty. Indeed, poverty presents a dilemma for policy makers and citizens in Sub-Saharan African cities such as Nairobi and raises questions as to why poverty continues to grow despite the implementation of urban plans, policies and poverty reduction programmes.

As a largely uncharted research area, it was necessary to explore the problem in significant depth; thus a qualitative research methodology was adopted to explore the case study of the Local Authorities Service Delivery Action Plans (LASDAP) in Nairobi's Viwandani ward. Data were gathered and triangulated by means of focus groups and in-depth and semi-structured interviews. These were supplemented by key informant data, document reviews and an extensive review of urban planning and political science literature. A total of ninety-nine people including sixty-six men and thirty-three women participated in this study. The respondents were drawn from communities in Viwandani, city planners and other staff from the City of Nairobi, central government, and politicians. To analyse these data, a range of analytical techniques, namely a hybrid of categorisations, data displays, pattern matching and in some cases theoretical propositions were applied. These generated a set of themes for discussing the challenges of urban planning from the case study. The results were cross-checked with interview respondents and key informants and then validated in key feedback consultations in the study communities.

This study shows that a long tradition of "*power over the constitution*", embodied by the notion of an imperial presidency not only imposes one's will over the people, but also can virtually destroy institutions. This study also finds that the legal framework for urban planning in Kenya is anchored in stakeholders' involvement that only pays lip service to citizen's participation

and to accountability. Since the old Constitution was not supportive of participation and accountability, the planning predictably restricted space for citizen participation and did not provide for significant accountability by public officers. Therefore, the participation in the LASDAP in Viwandani was simply a sophisticated form of manipulation of citizens that is conceptualised as facipulation in the study. Facipulation here refers to the facilitation of a project to give the impression that citizens have the power to influence decisions of the state while at the same time being manipulated to ensure that the covert interests of powerful actors in the state are not undermined.

The study reveals that challenges which public institutions face in urban planning for poverty reduction are both multi-layered and complex. The results show that the institutional framework for implementing the LASDAP in Kenya was by design defective in planning for poverty reduction. The study further reflects that the processes of constitutional development affect the form and types of political institutions established for urban planning. To achieve an urban planning framework for poverty reduction, therefore, institutional reform processes should be cognisant of and address the insidious power represented by the reluctance to shift the current institutional framework away from the *status quo*. The framework should also be aligned to the aspirations as expressed in the recently promulgated Constitution. In this Constitution citizens of Kenya are vested with all sovereign power and power is to be exercised only in accordance with the Constitution.

DEDICATION

To my wife, Mueni and our children: Tibiwa, Suubi and Furaha.

ACKNOWLEDGEMENTS

During the course of this research I have benefited from considerable support and assistance. Whilst it may not be possible to list everyone involved, I make the effort to recognise as many persons as possible. I certainly owe much gratitude to several people who made my study bearable and rewarding.

I begin with my academic supervisor, Professor Mfaniseni Sihlongonyane, Director of the Planning Programme in the School of Architecture and Planning. Your supportive guidance was critical in getting this work completed successfully. I will remain indebted to you for your excellent advice and guidance when all else had virtually fallen through. I have also benefited from advice by Professor Philip Harrison, Professor Aly Karam, Professor Marie Huchzermeyer and Professor Alan Mabin, all from the School of Architecture and Planning at the University of the Witwatersrand.

I also thank Professor Peter Ngau, of the Department Urban and Regional Planning and Professor Washington Olima, then Dean of the Faculty of Architecture, Design and Development at the University of Nairobi, for graciously granting affiliation and use of the library resources. Through this relationship I was able to participate in the Faculty's PhD seminars as well as engage other colleagues in various issues of my research. I also thank Professor Heather Campbell who hosted me as a visiting research student at the Graduate Research School in the Department of Town and Regional Planning at the University of Sheffield.

Over the past seven years, several friends have been a huge source of encouragement. I cannot thank George, Jane and Hammond Samba in Johannesburg enough. They wholeheartedly opened up their home and hearts to me during this time. They made sure I had a warm bed, clean clothes, and a car, was well fed and, above all, that I had a home whenever I was in South Africa. They, of course, endured my anti-social habits of working long days and nights. Thank you. To Celestine and Sammy Musembi in

Brighton I am also thankful. They always encouraged me and warmly opened their home to me whenever I visited the U.K. I am also grateful to Mr. Elijah Agevi of the Research Triangle Africa. He kindly opened up his precious contacts in local and central government as well as the civil society in Kenya. It was always possible to meet many of my respondents at short notice because of his affable assistance.

My appreciation also goes to my Research Assistants: Florence Njau; Orege Onyango; John Ngugi and Mark Mwit. I am especially grateful to Mark for so painstakingly and efficiently transcribing all the interviews. I am thankful to John Ngugi for arranging all the interviews and accompanying me through my journeys in the Lunga Lunga and Mukuru Kayaba villages. I also thank Eng. Christine Ogut of the City Council of Nairobi and Mr. Patrick Adolwa, Assistant Director Urban Development at the Ministry of Local Government, and all their staff for preparing copies of various materials I needed for this research. I am immensely grateful to Mr. Thomas Nyoro, District Officer Makadara who ensured that adequate security was provided to me during the study.

Many thanks to Ms. Mary Gathoni of the St. Monica Wajane Group and Mr. Nicholas Gatugi of the Lunga Lunga Youth Group who ensured that I never missed an interview in the villages. My appreciation goes to all my respondents in the villages, the City Council of Nairobi, independent professionals and staff from different Central Government (of Kenya) departments for their enthusiasm and encouragement. I could not have produced this research without your participation. I am also indebted to my colleagues; Salah Elzain, Alfred Omenya, Ogutu Miruka, Grace Musila, Luke Obala, Georgine Peter, and Dave Vanderhoven who were at different stages of their own PhD research, for their various inputs to my work. Your thoughts and encouragement made a huge difference all the way.

There is my family: Mueni has not only been a wife and friend but also the greatest supporter of this project. Many times it appeared like I was messing around with her project. I cannot thank you enough for your prayerful support as well as ensuring the family held together during my prolonged absences

from home. Our children Tibiiwa, Suubi and Furaha, I thank you for braving the loneliness away from Dad. I stand appreciative and proud of your sacrifices and achievements while I was away.

Finally, I will be ungrateful if I do not appreciate the Almighty God for His love, protection and provision. He has faithfully provided in all my needs. My profuse gratitude goes to Him. Nonetheless, the views, interpretations and conclusions expressed in this thesis are entirely mine and should not be attributed to any of the research participants.

TABLE OF CONTENTS

| | |
|--|------|
| DECLARATION | ii |
| ABSTRACT | iii |
| DEDICATION..... | v |
| ACKNOWLEDGEMENTS | vi |
| TABLES | xiii |
| BOXES | xiv |
| MAPS | xiv |
| ABBREVIATIONS | xv |
| CHAPTER ONE: THE POVERTY QUESTION IN URBAN KENYA..... | 1 |
| 1.1 Urban Planning and Poverty Reduction..... | 1 |
| 1.2 Problem Statement: The Conundrum of Poverty Reduction in Kenya | 7 |
| 1.3 Research Question for the Study | 9 |
| 1.4 Justification of the study..... | 9 |
| 1.5 Research Methods: Disentangling the Maze | 16 |
| 1.6 Limitations and Delimitations of the Study..... | 27 |
| 1.7 Road Map of the Thesis..... | 28 |
| 1.8 Conclusion..... | 30 |
| CHAPTER TWO: THE ROLE OF INSTITUTIONS IN PLANNING FOR POVERTY REDUCTION: A CONCEPTUAL FRAMEWORK | 31 |
| 2.1 Introduction | 31 |
| 2.2 Conceptual Frames of the Study | 32 |
| 2.3 Poverty and Poverty Reduction | 41 |
| 2.4 Approaches to Institutions..... | 47 |
| 2.5 Institutional Challenges in Urban Planning | 56 |
| 2.6 Towards a Framework for Analysing Institutional Challenges | 67 |
| 2.7 Conclusions..... | 71 |
| CHAPTER THREE: THE NURTURING OF POLITICAL INSTITUTIONS IN KENYA, 1920-1990 | 73 |
| 3.1 Introduction | 73 |
| 3.2 The Difficult Birth of the Kenyan Republic: 1920s - 1966 | 74 |
| 3.3 The Fleeting Golden Era: 1966–1976..... | 92 |
| 3.4 The Virtual Demise of Institutions: 1977–1990 | 102 |
| 3.5 Conclusions..... | 113 |
| CHAPTER FOUR: THE REBIRTH OF POLITICAL INSTITUTIONS AND HOPE FOR POVERTY REDUCTION IN KENYA, 1991-2010..... | 114 |
| 4.1 Introduction | 114 |
| 4.2 The Second Wind of Change..... | 115 |
| 4.3 Legislative and Policy Developments in the 1990s..... | 118 |
| 4.4 Legal and Policy Changes in the new Millennium..... | 134 |
| 4.5 Conclusions..... | 152 |

| | |
|---|------------|
| CHAPTER FIVE: THE EFFECTIVENESS OF THE INSTITUTIONAL FRAMEWORK FOR URBAN PLANNING FOR POVERTY REDUCTION, 2005-2007 | 153 |
| 5.1 Introduction | 153 |
| 5.2 The National Level Framework | 153 |
| 5.3 The City of Nairobi Level | 157 |
| 5.4 Assessing Interventions for Poverty Reduction | 164 |
| 5.5 The Institutional Framework for Implementing the LASDAP | 172 |
| 5.6 Conclusions | 175 |
| CHAPTER SIX: MANIPULATION TO FACIPULATION: THE ILLUSION OF PARTICIPATION IN THE LASDAP | 176 |
| 6.1 Introduction | 176 |
| 6.2 An Overview of Viwandani Ward | 176 |
| 6.3 The Preparations and Consultations in the LASDAP | 181 |
| 6.4 Design, Agreement and Finalising the LASDAP | 192 |
| 6.5 Reducing Poverty through the LASDAP: Implementation, Monitoring and Evaluation | 198 |
| 6.6 Conclusions | 209 |
| CHAPTER SEVEN: RETRENCHING ACCOUNTABILITY, DISEMPOWERING THE POOR AND POWERLESS | 211 |
| 7.1 Introduction | 211 |
| 7.2 Perceptions of Effectiveness of the Institutional Framework | 212 |
| 7.3 Seeking Answerability: Impunity in the LASDAP | 220 |
| 7.4 Sanction? Protecting the Powerful While Ignoring the Powerless | 226 |
| 7.5 Responsiveness: Clutching Thin and Brittle Straws | 230 |
| 7.6 Conclusions | 234 |
| CHAPTER EIGHT: SUBVERTING THE PROVISION OF SELECT BASIC SERVICES AND OPPRESSIVE POWER | 235 |
| 8.1 Introduction | 235 |
| 8.2 Important Institutions for the Poor | 235 |
| 8.3 Adapting to Oppressive Institutions | 243 |
| 8.4 Fighting Poverty and Enacting Local Power in Viwandani | 251 |
| 8.5 Conclusion | 267 |
| CHAPTER NINE: CHALLENGES OF URBAN PLANNING FOR POVERTY REDUCTION: INSIGHTS AND IMPLICATIONS | 268 |
| 9.1 Introduction | 268 |
| 9.2 Public Institutions, Urban Planning and Poverty Reduction: Empirical Insights | 270 |
| 9.3 On Public Institutions Planning for Urban Poverty Reduction | 281 |
| 9.4 Implications for Theory | 283 |
| 9.5 Implications for Further Research | 283 |
| REFERENCES | 285 |
| INTERVIEWS/PERSONAL COMMUNICATION | 311 |
| LAWS AND ACTS OF PARLIAMENT | 314 |
| COMMITTEES AND MINUTES | 315 |

| | |
|---------------------------------------|------------|
| FIELD RESEARCH PROTOCOL | 316 |
| Statement on the Research..... | 317 |

FIGURES

| Figure | | Page |
|---------------|---|-------------|
| 1.1 | A Focus Group Discussion in Mukuru Outside the Fuata Nyayo Chief's Office during the Fieldwork | 23 |
| 2.1 | Summarised Conceptual Framework | 34 |
| 4.1 | Typical Accountability Discourses on the CDF | 144 |
| 5.1 | Governance Structure for Nairobi | 161 |
| 5.2 | Organisational Chart for the City Council of Nairobi | 163 |
| 5.3 | Summarised LASDAP Process | 172 |
| 5.4 | Organisational Structure for Planning and Implementation of the LASDAP | 174 |
| 6.1 | Form 8-B, 2002 | 186 |
| 6.2 | Certificate to Confirm Notification of Public in Makadara, 2002 | 187 |
| 8.1 | Institutional Map of Important Institutions in Mukuru Kayaba | 237 |
| 8.2 | Institutional Map of Important Institutions in Lunga Lunga | 241 |
| 8.3 | Lunga Lunga Youth Bio-Tower Project | 254 |
| 8.4 | Small Businesses in Lunga Lunga | 263 |
| 8.5 | Access to and Use of Electricity in Mukuru Kayaba | 265 |

TABLES

| Table | Page |
|--|-------------|
| 1.1 Overall Poverty Estimates in Kenya: 1981-1977 | 3 |
| 1.2 Income Distribution By Province | 6 |
| 1.3 Profiles of the Respondents in the Fieldwork 2005–2007 | 21 |
| 1.4 Tests for Improving Research Quality and Validity | 24 |
| 1.5 The Analytical Framework | 26 |
| | |
| 5.1 Institutional Framework for Planning at National Level | 155 |
| 5.2 Constituencies and Wards of Nairobi | 158 |
| 5.3 Institutional Framework for Local Development and Poverty Reduction in Nairobi | 160 |
| 5.4 Overview of the Devolved/Decentralised Fund | 169 |
| 5.5 Poverty Eradication Fund since 1999 | 171 |
| | |
| 5.6 Key Actors in the Main Phases of the LASDAP in Nairobi | 173 |
| | |
| 6.1 Sanctions for Late Submission of the LASDAP | 195 |
| | |
| 7.1 Distribution of LASDAP Financial Resources in Makadara Constituency, 2002-2005 | 215 |
| 7.2 Performance of the LASDAP in Viwandani, 2002-2005 | 215 |
| | |
| 8.1 Role of Important Institutions of the Poor in Mukuru Kayaba | 236 |
| 8.2 Role of Important Institutions of the Poor in Lunga Lunga | 242 |
| 8.3 Themes, Categories, and Representations in the Discourses of Poverty | 245 |
| 8.4 Cross Matching Themes, Categories, and Representations in the Poverty Discourse | 246 |

BOXES

| Box | Page |
|--|-------------|
| 5.1 Goals and Targets of the NPEP | 167 |

MAPS

| Map | Page |
|--|-------------|
| 1.1 The Study Sites in Nairobi | 16 |
| 1.2 Map Showing the Spatial Distribution of Poverty in Nairobi's Constituencies | 17 |
| 6.1 Map Showing Mukuru Kayaba | 178 |
| 6.2 Map Showing Lunga Lunga | 180 |

ABBREVIATIONS

| | |
|--------------|--|
| AAIK | ActionAid International Kenya |
| ALGAK | Association of Local Government Authorities of Kenya |
| APA | American Planning Association |
| APTF | Anti Poverty Trust Fund |
| CACF | Constituency Aids Control Fund |
| CBO | Community Based Organisation |
| CCN | City Council of Nairobi |
| CDA | Coast Development Authority |
| CDF | Constituency Development Fund |
| CDTF | Community Development Trust Fund |
| CFD | Comprehensive Framework for Development |
| CKRC | Constitution of Kenya Review Commission |
| CPE | Commission for Poverty Eradication |
| CSI | Charter for Social Integration |
| CSO | Civil Society Organisation |
| | |
| DAC | Development Assistance Committee |
| DC | District Commissioner |
| DDP | District Development Plan |
| DDPS | District Development Planning Systems |
| DFID | UK Department for International Development |
| DFRD | District Focus for Rural Development |
| DEAP | District Environment Action Plan |
| DO | District Officer |
| DPLG | Department of Provincial and Local Government |
| DPU | District Planning Unit |
| | |
| EIA | Environment Impact Assessment |
| EMCA | Environment Management and Coordination Act |
| ENNDA | Ewaso Ng'iro North Development Authority |
| ENSDA | Ewaso Ng'iro South Development Authority |
| ERS | Economic Recovery Strategy |

| | |
|---------------|---|
| FGD | Focus Group Discussions |
| FORD | Forum for the Restoration of Democracy |
| FPE | Free Primary Education |
| FY | Financial Year |
| GOK | Government of Kenya |
| HI | Historical Institutionalism |
| IDP | Integrated Development Plan |
| IFI | International Finance Institution |
| ILO | International Labour Organisation |
| ILRI | International Livestock Research Institute |
| IMF | International Monetary Fund |
| KACC | Kenya Anti Corruption Commission |
| KADU | Kenya Africa Democratic Union |
| KANU | Kenya Africa National Union |
| KIHBS | Kenya Integrated Household Budget Survey |
| KLGRP | Kenya Local Government Reform Programme |
| KNBS | Kenya National Bureau of Statistics |
| KNCHR | Kenya National Commission on Human Rights |
| KPLC | Kenya Power and Lighting Company |
| KPU | Kenya Peoples Union |
| KRB | Kenya Roads Board |
| KVDA | Kerio Valley Development Authority |
| LA | Local Authority |
| LASDAP | Local Authorities Service Delivery Action Plans |
| LATF | Local Authorities Transfer Fund |
| LBDA | Lake Basin Development Authority |
| LED | Local Economic Development |
| LEGCO | [Kenya] Legislative Council |
| LLYG | Lunga Lunga Youth Group |

| | |
|--------------|--|
| LTC | LASDAP Technical Committee |
| MCA | Millennium Challenge Account |
| MDG | Millennium Development Goal |
| MLG | Ministry of Local Government |
| MP | Member of Parliament |
| MTEF | Medium Term Expenditure Framework |
| MSDF | Metropolitan Spatial Development Framework |
| NACC | National AIDS Control Council |
| NARC | National Rainbow Coalition |
| NCA | National Convention Assembly |
| NCC | Nairobi City Council |
| NCCK | National Council of Churches of Kenya |
| NCEC | National Convention Executive Council |
| NEMA | National Environment Management Agency |
| NGO | Non Government Organisation |
| NMC | National Management Committee |
| NMGS | Nairobi Metropolitan Growth Strategy |
| NNP | Non Negotiable Principles |
| NPEP | National Poverty Eradication Plan |
| NUSG | Nairobi Urban Study Group |
| NWC | Nairobi Water Company |
| OP | Office of the President |
| PB | Participatory Budgeting |
| PC | Provincial Commissioner |
| PEB | Poverty Eradication Budget |
| PEF | Poverty Eradication Fund |
| PEU | Poverty Eradication Unit |
| PLWHA | People Living With HIV/AIDS |
| PRSP | Poverty Reduction Strategy Paper |
| PS | Permanent Secretary |
| PUA | Participatory Urban Appraisal |

| | |
|----------------|--|
| RBA | Rights Based Approaches |
| RCI | Rational Choice Institutionalism |
| REPLF | Rural Electrification Programme Levy Fund |
| RMLF | Road Maintenance Levy fund |
| RPRLGSP | Rural Poverty Reduction and Local Government Support Programme |
| RSDF | Regional Spatial Development Framework |
| RTPI | Royal Town Planning Institute |
| SAP | Structural Adjustment Programme |
| SFRTF | Street Families Rehabilitation Trust Fund |
| SID | Society for International Development |
| SMW | St Monica Wajane (of the Lunga Lunga Women's Group) |
| SSA | Sub Saharan Africa |
| SSEB | Secondary School Education Bursary |
| TARDA | Tana and Athi River Development Authority |
| UDD | Urban Development Department (in the Ministry of Local Government) |
| UN | United Nations |
| UNEP | United Nations Environment Plan |
| UNDESA | United Nations Department of Economic and Social Affairs |
| UNTAP | United Nations Technical Assistance Programme |
| UPPR | Urban Planning for Poverty Reduction |
| WF | Women's' Fund |
| YEF | Youth Enterprise Fund |

CHAPTER ONE: THE POVERTY QUESTION IN URBAN KENYA

1.1 Urban Planning and Poverty Reduction

The major urban challenges of the twenty-first century include the rapid growth of many cities and the decline of others, the expansion of the informal sector, and the role of cities in causing or mitigating climate change. Evidence from around the world suggests that contemporary urban planning has largely failed to address these challenges.

Ban Ki Moon, 2009

Globally, many organisations have expressed concern about the growing level of poverty (World Bank, 2001; 2005; UNDP, 2005; Sachs, 2005; Collier, 2007; Green, 2008). In 2001, close to half of the world's population was classified as poor (Collier and Dollar, 2001: 1787). Out of these, an estimated 30 per cent of the world's poverty stricken people were in Sub-Saharan Africa (SSA). This translated into forty of the fifty-one countries in Africa having more than 50 per cent of their population living in slums and, unsurprisingly, 62 per cent of the urban population in these countries was living in slums in 2010 (UN Habitat, 2011: 32). Conservative estimates show that at least 320 million people live in abject poverty in SSA's cities (United Nations Department of Economic and Social Affairs (UNDESA), 2010).

From the 'one-or-two-dollars a day' perspective, the absolute number of the poor, especially in Sub-Saharan Africa is clearly on the increase. Recent data using international poverty lines of 1.25 dollars shows that the poor increased from 214 million in 1984 to 390 million people in 2005 in SSA (Ravallion and Chen, 2008:35). The optimistic reports notwithstanding, the relentless focus on poverty reduction from the 1990s by both the international development community and national governments, strongly indicates that the war against poverty remains indeterminate and its eradication in the future will be a Pyrrhic victory, particularly in Africa (Chandy and Gertz, 2011; Mitlin and Satterthwaite, 2011).

Efforts by governments and donors to address urban poverty have generally been ineffective. Moser's (1995) analysis of various social and economic policies for urban poverty shows that globally these policies ignored various dimensions of poverty and were also constrained in addressing urban poverty. She notes:

Despite increased resource allocations to urban development, there is no guarantee that individual sectoral interventions will have significant impact on urban poverty reduction. Lack of a cross-sectoral planning methodology tends to result in "Christmas tree" approach with arbitrary interventions in different unconnected sectors (Moser, 1995:161).

Ravallion *et al.* (2007: 690-691) show that unlike on the other continents, poverty, particularly in urban areas, has been on the increase in Africa. While the urban poverty situation in Sub-Saharan Africa (SSA) is not dissimilar to the Latin American or Asian condition, in Sub-Saharan Africa's cities poverty remains one of the most enduring challenges for city and national governments. In articulating the myriad of challenges that face these cities, there is much consensus on the following: a fast growing population, and a growing inability by cities and their governments to provide for these populations' shelter, transportation, employment and health (Devas, 1999; Devas and Rakodi, 1993; Swilling 1997; Douglass and Friedmann, 1998; Garland, Massoumi and Ruble, 2007; UN Habitat, 2009). These changes notwithstanding, poverty in SSA's cities presents a difficult dilemma and questions abound as to why it continues to grow even when urban plans, policy reform and anti-poverty programmes are implemented.

Indeed, poverty is clearly one of the most glaring challenges in Kenya. The poverty rate has been on the increase since independence as confirmed by government itself (Republic of Kenya, 1965; 1969; 1978; 1983; 1988; 1993; 1996; 1999; 2001; 2004, 2008). In its forty-seventh year of independence, Kenya faces an increasingly acute challenge related to burgeoning poverty. Computed mainly by using the poverty line, poverty has worsened from 30 per

cent of the population in the 1970s (Manda *et al.*, 2001:16) to an estimated 60 per cent in 2004 (Government of Kenya, 2004:7) and improved to an estimated 48 percent in 2010 (UNDP, 2011).

According to the 1994 Welfare Monitoring Survey (WMS), the incidence of poverty was 47 per cent in rural Kenya and 29 per cent in the urban areas.¹ Previous studies on poverty (for example Crawford and Thorbecke, 1978; Collier and Lal 1980; Bigsten, 1987; World Bank, 1995; Narayan and Nyamwaya, 1996; and Mwabu *et al.*, 2000) drew on national level databases to produce poverty estimates disaggregated for rural and urban poverty at national levels.

Table 1.1: Overall Poverty estimates in Kenya 1981-1997

| Region/Province | Per cent of the poor | | | |
|-----------------|----------------------|-------------|-------------|-------------|
| | 1981/82 | 1992 | 1994 | 1997 |
| Central | 25.7 | 35.9 | 31.9 | 31.4 |
| Coast | 54.6 | 43.5 | 55.6 | 62.1 |
| Eastern | 47.7 | 42.2 | 57.8 | 58.6 |
| Rift Valley | 51.1 | 51.1 | 42.9 | 50.1 |
| North Eastern | N/A | N/A | 58.0 | N/A |
| Nyanza | 57.9 | 47.4 | 42.2 | 63.1 |
| Western | 53.8 | 54.2 | 53.8 | 58.8 |
| Nairobi | N/A | 26.5 | 25.9 | 50.2 |
| Rural | 48.8 | 46.3 | 46.8 | 52.9 |
| Urban | N/A | 29.3 | 28.9 | 49.2 |
| National | 46.8 | 46.3 | 46.8 | 52.3 |

Source: Adapted from Manda, Kimenyi and Mwabu (2001:18)

Although this data is limited to the late 1990s, it shows that the incidence of poverty has generally been higher in the rural areas. However, the proportion of the urban poor has also increased significantly from below 29 per cent in the 1980s to 49 per cent in 1997 and currently estimated stands at 34 per cent (Kenya National Bureau of Statistics, 2008). This phenomenal growth in urban poverty took place mainly in the City of Nairobi. From the mid 1990s Nairobi recorded the highest increase in poverty compared to other urban areas, from

¹ Data on changes in poverty at national, regional and local levels are not readily available. This is because the Kenya National Bureau of Statistics only started compiling such disaggregated data in 2003. However, there have been numerous studies that have attempted this analysis.

26 per cent in 1994 to 50 per cent in 1997. With an estimated 70 percent of Nairobi's population living in informal settlements (UN Habitat, 2008), it is likely that much more than 50 percent in Nairobi are poor. This is because of the perpetual political exclusion and skewed allocation of national resources (Republic of Kenya, 2008a).

The Society for International Development (2004; 2006) and Republic of Kenya (2008a) observed that the Central and Rift Valley Provinces unfairly benefitted from national resources because these were the home regions of Presidents Kenyatta and Moi respectively (Mueller, 1972; 2008; Oyugi, Wanyande and Odhiambo-Mbai, 2003). The Society for International Development (2004; 2006) shows that the Central Province and Rift Valley Province received inordinately higher allocations of national resources. Kiringai (2006) in a related study finds:

During Kenyatta's era, districts in his political base received a relatively higher share of development expenditure for roads. However, when Daniel arap Moi took over in 1978, the situation reversed and in 1986-87, for example, Rift Valley Province alone accounted for 52 percent of total roads development expenditure. In 1987-88 Moi base provinces received 49 percent of rural health spending and 33 percent of Rural Development Fund compared to 18 and 33 percent, respectively, for Kenyatta base provinces. By the sixteenth year of Moi's rule, his political base was getting 67 percent of roads budget compared to 16 percent for Kenyatta base (Kiringai, 2006:38).

Conversely, regions such as Nyanza Province and Nairobi that were opposition strongholds were allocated marginal national resources as punishment for their political views and opinions (Society of International Development, 2004). From the above, it is evident that politics of patronage played an important role in the distribution of poverty in Kenya. Poverty in urban areas remains at 10 percent lower than in rural areas (Republic of Kenya, 2012) because the people in urban areas are generally much more dependent on the economy; thus they are susceptible to changes in the

economy. Therefore, the changes of poverty in Kenya during the 1990s were also attributed to changes in fiscal and monetary policies such as the removal of price controls and liberalisation of the foreign exchange markets (Chitere and Oyugi, 2005:7). The country also experienced drought, increases in fuel prices and suffered ethnic clashes and politically instigated violence that led to the displacement of thousands of people in the Coast and Rift Valley Provinces and a significant reduction in food production in 1992, 1997, and 2008 respectively (Republic of Kenya, 2008; Cheeseman, 2008; Lubaale, 2009; Meijerink, Roza and van Berkum, 2009).

Although there are challenges with the reliability of poverty data in Kenya in the 2000s, the Kenya National Bureau of Statistics (KNBS) data show that the poverty situation has changed favourably, with poverty beginning to reduce. For instance, the 2005 – 2006 Kenya Integrated Household Budget Survey (KIHBS) estimates the incidence of poverty at 47 per cent. This is the population that lives below the U.S. \$ 1.25 per day poverty line. In 2004, the Society for International Development Study's study on inequality showed that poverty increased in all the regions, indicating that more people were poor because they lived below the threshold of the poverty line. The current and disaggregated data on poverty in the 2000s shows a steady growth in urban poverty (see, for example, World Bank, 2009).

Nairobi has the highest number of poor people amongst all regions of urban Kenya, estimated at 880,000. Although Nairobi is classified as a region or Province, the area covered by the Province and City of Nairobi are the same. Thus, taking into account that Nairobi is indeed a city unlike the other regions such as Western, Coast or Central Provinces, Nairobi ironically is the city with the highest incidence of poverty in Urban Kenya.

1.1.1 Inequality, another dimension of Kenya's Poverty

Using the Gini coefficient to measure inequality, the distribution of incomes in Kenya reveals further dimensions of poverty.² With a Gini coefficient value of 0.477 in 2011 (UNDP, 2011), Kenya's inequality is serious. Table 1.2 shows that in Kenya, inequality is most serious in Nairobi. Nairobi not only has the highest Gini coefficient of 0.586, but also accounts for close to 45 per cent of Kenya's national income (Economic Survey reports). In Nairobi, the top 10 per cent and 20 per cent of households hold 45 per cent and 64 per cent of total income respectively. The bottom 10 per cent and 20 per cent of households accounts for 1.6 per cent and 4 per cent of total income respectively. Moreover, the inequality in Nairobi represents a critical feature of poverty in urban Kenya. Thus, unlike the other regions that have both rural and urban populations, the inequality in Nairobi highlights the severity of poverty in urban Kenya.

Table 1.2: Income distribution by province

| Province | Gini coefficient Income) | Proportion of income accruing to | | | |
|------------------------|-----------------------------|----------------------------------|-------------|--------------|-------------|
| | | Top 10% | Bottom 10% | Top 20% | Bottom 20% |
| Nairobi | 0.586 | 45.2 | 1.61 | 63.5 | 3.94 |
| Central | 0.516 | 39.47 | 1.07 | 55.51 | 3.35 |
| Coast | 0.511 | 33.77 | 1.34 | 50.16 | 4.33 |
| Eastern | 0.571 | 42.34 | 0.94 | 58.86 | 3.04 |
| N.Eastern ³ | 0.439 | 26.57 | 1.48 | 47.08 | 4.7 |
| Nyanza | 0.563 | 42.81 | 0.63 | 60.69 | 2.15 |
| Rift Valley | 0.575 | 42.58 | 0.79 | 59.76 | 2.46 |
| Western | 0.586 | 41.08 | 0.66 | 59.07 | 2.27 |
| Kenya | 0.571 | 42.72 | 0.76 | 59.17 | 2.51 |

Source: Society for International Development (2004:14)

² The value of the Gini coefficient ranges from zero to one; with zero representing a situation of perfect equality and one representing perfect inequality. Thus, the closer a value for computed for the Gini coefficient is to zero the more equal that society is; and the conversely, the closer the Gini coefficient value is to one, then more unequal the society is.

³ This data covered only the urban parts of North Eastern Province

1.2 Problem Statement: The Conundrum of Poverty Reduction in Kenya

Poverty reduction has been an important policy objective of Kenya's development since independence. With the worsening of the poverty situation, as shown above, the analysis of the effectiveness of policy for poverty reduction has increasingly been a subject of research especially in the development economics discipline. Studies (for example Ikiara, 1998; Manda, Kimenyi and Mwabu, 2001; Omiti, Owino, Otieno and Odundo, 2002) have clearly identified the policies that have guided poverty reduction in Kenya. The policies adopted have mainly been presented as National Development Plans. Recent poverty studies (for example Chitere and Oyugi, 2005) note that although poverty reduction has remained an important development priority for Kenya it was only from the 1980s that earnest attempts were made to target poverty reduction.

These studies identify the following as key policy interventions for poverty reduction since independence: land resettlement in the 1960s; provision of basic needs in the 1970s; promotion of rapid growth in the late 1970s; District Focus for Rural Development of the 1980s; promotion of the informal sector and micro finance enterprises in the late 1980s and 1990s; free primary education in the early 2000s; poverty reduction strategy papers in the late 1990s and 2000s; and special funds of the late 1990s and 2000s (Ikiara, 1998; Manda, Kimenyi and Mwabu, 2001; Omiti *et al.*, 2002). Poverty in Kenya has been conceived as mainly a rural phenomenon (Republic of Kenya, 1965; 1969; 1978; 1983; 1988; 1993; 1996; 1999; 2001; 2004, 2008). One of the most disturbing outcomes of the worsening poverty in urban Kenya is not only the apparent failure of anti-poverty interventions to reduce poverty but also the relative neglect of poverty reduction through the national agenda for urban planning.

Only recently the consensus emerged within the planning fraternity that poverty is one of the important issues for urban planning in developing

countries (UN Habitat, 2009:201-205). In the light of the above discussion, UN Habitat (2009) noted that one of the new roles of planning is to reduce poverty. However, it is reflectively noted that planning in general is dependent on “the nature of the political, institutional and legal systems in place, the relative roles of the public, private and community sectors in developmental activity, institutional capabilities and professional cultures” (Ibid: 206). Similarly, the thinking within influential actors such as the World Bank (2001) stressed the vital importance of setting up the right institutions in order to effectively address poverty. The World Bank argues that such institutions should be heavily dependent on the local context, traditions and political culture. However, establishing such ‘right’ institutions remains a practical and theoretical challenge.

In the envisaged role of urban planning, it is clear that planning is and continues to be dependent on the institutional context. The existing research (for example Healey, 1992; Forester 1989; Sager, 1994; Flyvbjerg, 1996) investigates the role of planning in highly institutionalised and regulated contexts. Yet, how the context influences and shapes urban planning in poverty reduction remains speculative.

The relationship between urban planning and poverty reduction in Kenya remains conjectural. Ikiara’s (1998) review of government policy for poverty reduction since independence establishes that weak political commitment and corruption have stymied the effectiveness of policy in poverty reduction. Also Omiti *et al.*, (2002: 23), argue that Kenya has had the right policies; but the increasing poverty level is caused by lack of political will, dependence on donors, poorly resourced institutions, populist policies and exclusion of institutions designated for poverty reduction. Thus, four decades into independence policy development has been undermined by political reluctance to reform the restrictive and marginalising institutions. Furthermore, the 20-year bitter and fractious constitutional review process and on-going implementation of the 2010 Constitution where institutions for poverty reduction have not been established, is a clear example of the unwieldy environment for development and poverty reduction.

1.3 Research Question for the Study

The main question addressed in this study is: *What are the challenges of Planning for Poverty reduction by public institutions in Urban Kenya?* This research seeks to respond to the following research sub-questions:

- a) What was the institutional framework for urban planning in Kenya in 2005-2007?
- b) How did the institutional framework link/affect poverty reduction processes?
- c) How did the institutional framework affect citizen participation in urban planning?
- d) What mechanisms existed in the institutional framework for citizens to express their priorities and preferences in urban planning?
- e) What were the various state attempts to deal with poverty reduction in urban areas?
- f) To what extent did (planning) interventions respond to urban poverty?
- g) What was the power dynamics within the institutional and policy framework of urban planning for poverty reduction?

1.4 Justification of the study

This research is a historical and exploratory study aimed at a better understanding of the challenges of the state in planning for or dealing with urban poverty. Research on planning and poverty has been growing and is increasingly varying but it is yet substantially to address the challenges of urban planning for poverty reduction. In international literature attention has been given to a variety of areas such as: the relationship between the urban poor and poverty; governance and the poor; urban poverty reduction strategies; measurement of poverty; and community based planning and poverty reduction. For instance, Amis and Rakodi (1995) bring together research that investigates the relationship between the urban poor and poverty, showing how the poor cope with and adjust to worsening conditions

of poverty in urban areas in several developing countries including Sub-Saharan Africa, India, Pakistan, Brazil, Saudi Arabia, and Jamaica. Rakodi's (2004) research focused on the relationship between governance and the poor. Beard (2000) questions the usefulness of urban poverty reduction strategies that inadequately understand poverty. She draws on empirical studies of Indonesian households on notions of poverty. Beard (2000) finds conventional notions of poverty that inform planning and policy interventions to be unlikely to alleviate urban poverty. She argues for poverty reduction that is subtle and informed by nuanced ideas and life's experiences of the urban poor.

Mason and Beard (2008), in a study in Mexico's Oaxaca city, sought to explain the relationship between community-based planning and poverty reduction. The theoretical framework they formulated for this study reflected that community-based planning is unique and varies depending on the available capabilities for poverty reduction.

Other literature from South Africa has addressed themes bordering on the issues of poverty and urban planning. In their book based on South Africa, *Planning and Transformation*, Harrison, Todes and Watson (2008), for example, have chapters on 'Responding to Informality' and 'Planning for Diversity' but do not expressly address poverty. The reason for this may have to do with a sense of the limitations of planning. In their concluding chapter, Harrison *et al.* (2008) acknowledge the challenge of poverty, citing for example a report of the Council for Scientific and Industrial Research (CSIR) which indicated that 51 per cent of South Africans were living below the poverty line in 2001. They went on to quote a 2002 government report that argued that there is a strong link between integrated development planning and poverty reduction. They, however, concluded very cautiously and even sceptically:

There are a number of assumptions in this statement that are largely untested. Reviews of integrated development planning have suggested that many IDPs [Integrated Development Plans] do incorporate strategies for dealing with poverty (UNDP 2002) – many of these being about better service delivery and LED [Local Economic Development] strategies – but it is difficult to determine the extent of real impacts. There are also indications that attempting to deal with poverty obliquely through service delivery does not necessarily work – recent critiques of housing policy, for example, reveal that the provision of formal shelter may, in fact, have worsened the financial position of households which now face additional expenses (Harrison *et al.*, 2008:247).

For West Africa, Owusu (2008) considers the relationship between poverty reduction and policy using experiences of Ghana's decentralisation policy. He looked at the opportunities presented by pursuing the Millennium Development Goals in improving service delivery in small towns. He finds that because of unequal power relations between the national and local governments, poverty reduction and local development are most likely to succeed in environments where there is a strong government that supports and pursues policies such as decentralisation.

The overall picture is that poverty is spiralling in Sub-Saharan Africa's cities and the effectiveness of urban planning responses to this phenomenon is increasingly questioned, given that incidences of poverty are at least 40 per cent of the population of these cities (UN Habitat, 2009:34). In the past decade, there have been attempts at addressing this increasing poverty, using various approaches such as Local Economic Development (Nel, 1994; 2001; Nel and Rogerson, 2005); the Integrated Development Plans in South Africa (Harrison, 2001; Mabin, 2002; DPLG, 2004); Poverty Reduction Strategy Papers (World Bank and IMF, 2000) and the Local Authorities Service Delivery Action Plans (Muema, 2002, Lubaale, Agevi and Ngari, 2007). However, much of the research on these approaches has been in South Africa and not in the rest of Sub-Saharan Africa, with the exception of the country studies on Poverty Reduction Strategies.

Similarly, the research on poverty is characterised by a relative neglect of urban Kenya. From the 1970s, the bulk of the studies on poverty have had a rural focus. These include the Integrated Rural Surveys (IRS) of 1974, 1977 and 1982 conducted by the government. Academic research followed a similar pattern. For instance, Collier and Lal (1980) in explaining the relationship between growth and poverty drew on data from rural Kenya. Greer and Thorbecke's (1986) contribution on understanding food poverty also draws on data from rural Kenya. Poverty studies in the 1990s and 2000s, in addition to being rural-centred, mainly focused on methods for the estimation of poverty (for instance Narayan and Nyamwaya, 1995; Manda, Kimenyi and Mwabu, 2001; Kimalu *et al.*, 2002), understanding inequality (Society for International Development, 2004), and employment (Oiro, Mwabu and Manda, 2004) at the national scale.

Several studies have addressed poverty in urban Kenya. In this thesis, I focus on three that reflect the main themes these studies cover. The first is Zwanenberg's (1972) study on the history and theory of urban poverty in Nairobi. Drawing on empirical work in the slums of Nairobi, the study explores reasons for migration to the city and the effects this had on social services such as housing. The study shows that in the colonial era a policy of containment of Africans in the rural areas minimised pressure on social services. However, Africans in segregated urban facilities did not enjoy high quality services. In the early years of independence, while there was no segregation, pressure on existing housing stock and other social amenities continued to build as the population grew much faster than the services provided (*Ibid.*). In the second study, Ofwona (1991) used data from the 1982/3 Household Budget Survey to describe the socio-economic differences between the poverty stricken and the rich in Nairobi. The third study by Wasike and Kimenyi (2001) also focused on urban Kenya; its scope was beyond Nairobi. It explored the relationship between micro-providers and alternative small-scale infrastructure delivery. This study also sought to analyse policy issues for improving access to infrastructure services.

In relation to the variegated foci of the research studies above, this thesis seeks to contribute in two main ways. First, it complements earlier work. Whereas Rakodi's (2004) work dealt with some aspects of power, especially how politics and governance affect decision-making and its impact on poverty, this study analyses the relationship between urban planning and poverty reduction, and the role power plays in strengthening and/or weakening institutions for urban planning. Beard (2000) and Phasha's (2005) work that begins investigation on planning and poverty has been novel in the planning field. Phasha (2005) uses Foucauldian ideas of power to assess the potential of the Johannesburg Regional Spatial Development Framework (RSDF) to alleviate poverty in the inner city of Johannesburg. This study not only builds on Foucauldian ideas of power, but also draws on notions of institutionalism from governance and international development fields to explore how planning interventions for poverty reduction are implemented.

Therefore, by analysing the relationship between urban planning and poverty reduction, this study is an important addition to the literature on poverty and planning in Nairobi. Moreover, by examining the institutional and policy frameworks for urban planning for poverty reduction and how these constrain and/or enhance the responsiveness/effectiveness of urban planning in poverty reduction, this study shows that urban planning is context-dependent and the context is susceptible to and is modified by power. Thus, this research seeks to make an important first step on the journey of urban planning for poverty reduction.

The study is aimed at describing and explaining the emerging phenomenon of urban planning for poverty reduction and to illuminate the impact of policy and institutional contexts on urban planning to reduce poverty. The study is also intended to be useful mainly for obtaining knowledge on urban planning for poverty reduction – an important challenge identified in the new paradigm for managing settlements that the planning fraternity conceptualises as *New Urban Planning* (World Planners Congress, 2006). By exploring the challenges of urban planning for poverty reduction in Nairobi, this study also provides specific information on the role of power and institutions in planning

for urban poverty reduction and a basis for testing innovative ideas on planning at present being promoted by UN Habitat's (2012) inclusive city campaign.

In order to explore the challenges of urban planning for poverty reduction, this thesis draws on ideas of institutions being propounded by the New Institutional Economics (for example North, 1990; March and Olsen, 2006; Rhodes, Binder and Rockman, 2006) to formulate a conceptual and analytical framework to analyse these institutional challenges. By investigating the relationship between urban planning and poverty reduction from a policy and institutional perspective, this thesis also seeks to contribute to the growing body of planning knowledge and new ways of debating theoretical frameworks for urban poverty (for instance Gonzalez and Healey, 2005; Vigar *et al.*, 2000; Healey, 1990, 1997a; 1997b; 1998; 1999; 2002) that could be used to analyse the relationship between urban planning and poverty reduction. Unlike the work on institutions cited earlier, this thesis contributes a conceptual and analytical framework for analysing both the normative work on institutions for planning, and particularly urban planning, for poverty reduction in Kenya. Another contribution of the thesis is the assessment of normative planning by the use of concepts of participation, accountability, answerability, responsiveness, institutional frameworks and power.

There are numerous research studies on the Local Authorities Service Delivery Action Plans (LASDAP) that were essentially government commissioned. Devas (2002) was the first review of the usefulness of the LASDAP. Devas (2002) was commissioned by the Government of Kenya (GOK) to assess the effectiveness of the LASDAP. Devas found that the LASDAP process was stifled by top-down planning practices. ActionAid International Kenya (AAIK) (2006) and Syagga *et al.* (2007) in later evaluations of the LASDAP, like Devas (2002), also found that participation was problematic. The Kenya Institute for Public Policy Research and Analysis (KIPPRA) (2006) identified numerous weaknesses in the planning and budgeting aspects of the LASDAP at the local level. Lubaale, Agevi and Ngari (2007) in another commissioned research study found that participation was

still notional and that there was fragmentation of resources that subsequently undermined the effectiveness of the LASDAP. Moreover, while the LASDAP was aimed at addressing the poor, the poor were not directly targeted and were often excluded from the LASDAP (Ibid.).

The LASDAP has also been the subject of academic research. Owolabi (2011) is the most recent endeavour. Using an international political economy framework Owolabi (2011) shows that the history of social development in Kenya has been largely defined by international prescriptions and expectations. More significantly, Owolabi's (2011) study shows that the LASDAP has had lacklustre results in transforming local communities and this has been ineffective in realising grassroots social change, including inequality, gender, transparency and inclusiveness. She concludes her study by arguing that participatory development envisaged in the LASDAP is a superficial solution to the social ills that plague society, thus justifying the need for a technical and socio-political approach to development in poverty reduction.

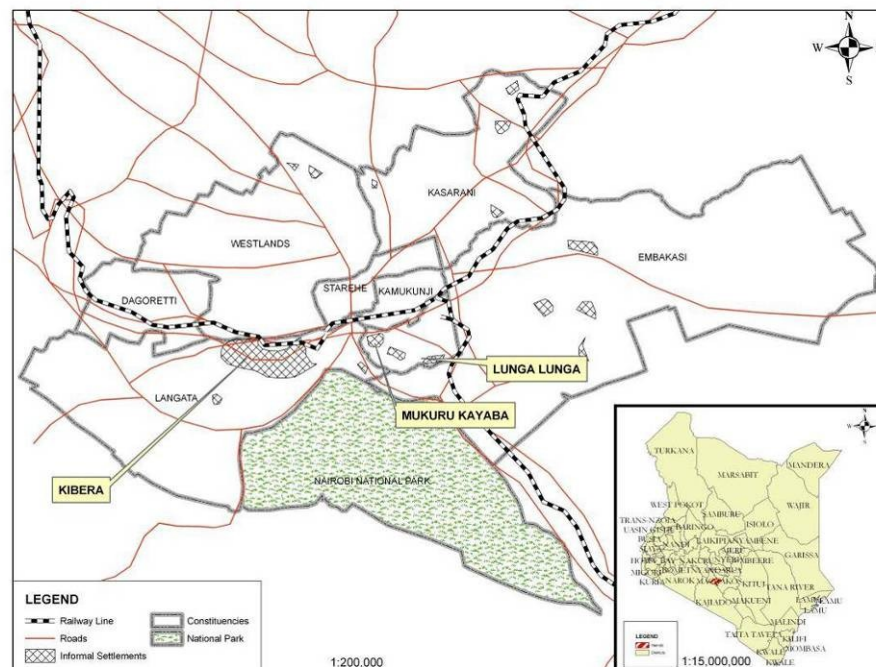
This thesis differs from Owolabi's (2011) study in several areas. It focuses on Nairobi. But even in Nairobi, it concentrates on the Viwandani ward, one of the poorest areas in the City of Nairobi. It uses an institutional approach to delve into the challenges of planning for poverty in Kenya. The combination of archival, participatory action research and qualitative research design render a novel perspective in analysing the LASDAP. This study provides further information on the LASDAP and urban planning for poverty reduction, an area that has not been addressed in any depth yet. Where Owolabi (2011) suggests practical changes to the LASDAP, such as creating smaller decision-making units and securing appropriate staff, this study shows how power affects participation. As a result, this study brings to bear Checkoway's (1994) notion of citizens' participation in the planning process as advocacy and legal rights, Arnstein's (1969) ideas of participation as manipulation and Forester's (1999) deliberative practice to show how power aggravates the institutional challenges of planning, particularly urban planning for poverty reduction.

1.5 Research Methods: Disentangling the Maze

1.5.1 The Case of Viwandani

A single case study of Viwandani ward in Nairobi, as shown in Map 1.1 was adopted for this research. There are four main reasons. Firstly, Viwandani ward is the poorest ward in Makadara constituency. The incidence of poverty in Nairobi is currently computed at 44 per cent (Republic of Kenya, 2005). The incidence of poverty in Makadara is twice that of the richest ward, which is the Westlands. Although according to the recent poverty reports Embakasi constituency has the highest number of poor people in Nairobi, Makadara constituency, with 60 per cent of the households living below the poverty line, is the poorest constituency in Nairobi (Government of Kenya, 2005:34). Because of huge income difference, residents in Makadara constituency are twice more likely to be poor in relation to their counterparts in the Westlands constituency.

Map 1.1: The Study sites in Nairobi

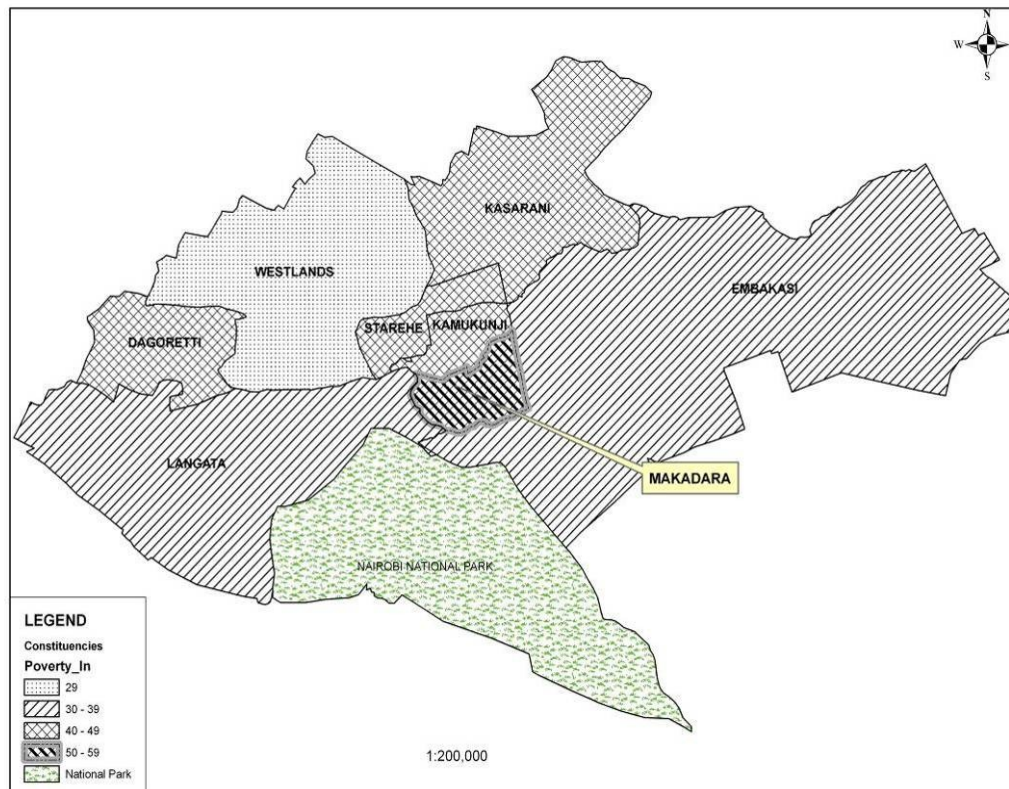


Source: Ministry of Lands, Nairobi, 2008.

The Map 1.2 below shows the spatial distribution of poverty in Nairobi's constituencies. Even in terms of the poverty gap differential, that is the

average income each poor person would require to climb out of the poverty line⁴, residents of Makadara require at least twice as much income on average, to climb out of the poverty bracket as compared to their counterparts in the Westlands (See Republic of Kenya, 2005:43-44).

Map 1.2: Map showing the spatial distribution of poverty in Nairobi's constituencies



Source: Ministry of Lands, Nairobi, 2008.

Secondly, the Nairobi LASDAP process, particularly in the Viwandani ward, presents a unique case because of the diverse nature of actors involved at this level of the City. The range of actors involved in Viwandani is typical of other LASDAP processes in the other wards in Nairobi. While Viwandani is part of Makadara constituency, there is sufficient complexity and differentiation in the ward for this single case to provide rich, illustrative material and also for comparison with other parts of the country.

⁴ Kenya shillings: 2,648 per person per month (1 U.S.\$ is equivalent to Kenya shillings: 75)

Yin (1994; 2003) provides three main circumstances for the choice of a single case study approach. These include: when a single case represents the critical case in testing a well-formulated theory; conditions in which the case represents an extreme or unique case, and when the case study is a revelatory case. As will be shown, the case considered by this study meets the third reason for the choice of a single case study. Yin (1994; 2003) and Gomm, *et al.* (2000) further note that the results of case studies can be generalised to theory in the form of theoretical propositions which can be tested in contexts of other case studies.

This thesis used a qualitative case study of the LASDAP in Nairobi's Viwandani ward to explore what urban planning for poverty reduction entails. For such exploratory research, Lincoln and Guba (1985) advise that the social phenomena are investigated with minimal *a priori* expectations if explanations for such phenomena are to be availed. The case study approach has been subject to great controversy and contestation as regards to its suitability to scientific research (see for example Flyvbjerg, 2001). Recent scholarship (for example, Yin, 1994; Flyvbjerg 1998; 2001, Watson 2001) has demonstrated sufficient rebuttal to some of the earlier misconceptions about case study research. In justifying her use of this method to a planning research, Watson (2001:10) says, "...case studies are about particularization, not generalization [...] generalisation happens in the mind of the reader to the extent that it is useful in understanding a new situation." In the context of planning, Watson (2001) argues that the primary purpose of planning theory is to assist planning practice and that practical planning problems are aided less by generalised or universal theories and more by lessons drawn from context-dependent planning experiences.

Thirdly, a study of the Viwandani ward, the poorest in Nairobi, has a high potential to produce new insights into urban planning for poverty reduction. A key contribution of this study will then be its addition to the knowledge on power and urban planning in contexts of poverty. Hitherto, Watson's (2001) study in Cape Town is the main work in SSA that explores power and planning but it is explicitly situated in contexts of 'change and continuity' but

also within a broader poverty and vulnerability environment. Therefore, this focus into urban planning for poverty reduction exploring the role of institutions broadens an understanding of poverty, planning, power and institutions. Fourthly, Viwandani allows for the context-dependent planning experiences that can be drawn upon by planners as Watson (2001) suggests in justifying the case study approach. Further, as seen in the earlier sections of this chapter, there is scanty information on urban planning for poverty reduction. From this study in the Viwandani ward, new, rich, context-specific detailed information and planning lessons from the Local Authorities Service Delivery Action Plans (LASDAP) processes in Nairobi is availed for future debate.

1.5.2 Data Collection from the LASDAP Experience

To establish the sample for this study four factors were considered. Firstly, the geographical space; secondly, the key actors; thirdly, the planning and policy documents; and finally the first five years of the LASDAP (2002-2006), which is the period under consideration. Although the study considered the LASDAP planning experience in the city of Nairobi, it specifically focused on projects in the Makadara constituency. Makadara was selected out of the eight constituencies in Nairobi because according to existing poverty data (Republic of Kenya, 2005) it is the poorest in the city. In addition to being the poorest, it was relatively easy to access by the researcher because of its central location in the city. Makadara also does not have many NGOs or research being conducted. The research strategy was that by focusing on Viwandani ward, which is also home to Mukuru, the second largest slum/informal settlement in Nairobi; it would be easy to interact with the poor and seek their views of urban planning for poverty reduction.

The sources of information on planning and engagement with poverty in Kenya were two-fold; namely: archival material on planning in Kenya and key informants. Archival material included national development plans, laws relating to and governing the practice of planning in Kenya and the City of Nairobi. The archival investigation covered ten national development plans and the two City of Nairobi plans. Other material covered includes planning

guidelines, Acts of Parliament and planning reports. Eleven key national level planning documents and two City of Nairobi plans were reviewed. The review sought to establish the extent to which the content of these documents focused on poverty. Arising out of the above, five national level planning documents and the two City of Nairobi plans were then selected. At least two sets of planning documents are relevant to this study. These include the national development plans, sessional papers of the National Assembly and other policy documents at the national level. The local level documents include the City of Nairobi plans, LASDAP planning material and other information of historical value.

Semi-structured and open-ended interviews with purposively sampled informants drawn from ten categories identified in Table 1.3 below; and a review of secondary sources and published material. The key actors identified in the plans determined the selection of the informants that were interviewed. These included members of communities who participated in the LASDAP process, planners and other staff of the City of Nairobi, chiefs, and central government officials. Additional informants were either purposively selected or by the snowball sampling method. These respondents were identified from the records of the LASDAP kept by the City of Nairobi and the Kenya Local Government Reform Programme (KLGRP) at the Ministry of Local Government (MLG).

The interviews (see Research Protocol in the Appendix for details) sought to establish the following: what was understood by poverty; the responses to poverty; the planning process for poverty reduction; frameworks enabling or inhibiting actors in poverty reduction; how the LASDAP worked in Viwandani and in Nairobi in general; and lessons/insights gained from the response(s) to poverty. These interviews were conducted in two main parts. The first batch of interviews was conducted in late 2005. The second were conducted between October 2006 and February 2007. I conducted all these interviews myself, took notes of the interviews and recorded these interviews on tape where the interviewees granted permission. These interviews were typically an hour,

sometimes more, in duration. In most cases where the respondents were in agreement, these were taped and then transcribed.

Table 1.3: Profiles of the Respondents in the Fieldwork 2005–2007⁵

| Source of Information | Male | Female | Total |
|--------------------------------------|-------------|---------------|--------------|
| Focus Group Discussions | 14 | 8 | 22 |
| Interviews with community members | 14 | 10 | 24 |
| Planners from the City of Nairobi | 2 | 1 | 3 |
| Other staff from the City of Nairobi | 6 | 1 | 7 |
| Chiefs | 2 | 1 | 3 |
| District Officer | 1 | - | 1 |
| Ministry of Local Government/KLGRP | - | 2 | 2 |
| Ministry of Housing | 1 | - | 1 |
| Councillors | 4 | - | 4 |
| Member of Parliament | 1 | - | 1 |
| Urban Planners | 18 | 7 | 25 |
| ALGAK | 3 | 3 | 6 |
| Total | 66 | 33 | 99 |

For this research, ninety-nine people were interviewed, including focus group participants. A number of discussions were held with twenty-five planners using structured interviews. These planners were identified because of three main reasons: Firstly, they had considerable experience in planning, their expertise and seniority and so they were able to speak with authority on how urban planning addressed poverty. Secondly, these planners could easily articulate their views on the knowledge of poverty and how poverty was framed in the planning profession in Kenya. Finally, together these planners provided an informed position on how poverty was understood in planning in Kenya and more specifically in the Nairobi LASDAP processes.

The other respondents (see Table 1.3 above) provided information by way of interviews and Focus Group Discussions (FGD). Five FGDs were conducted of groups comprising of three to nine persons. These groups covered the following: youth or young men's group, widows, young women, elderly and pioneer women residents in the settlement and a women's group. The remainder of the respondents was interviewed. These included members of

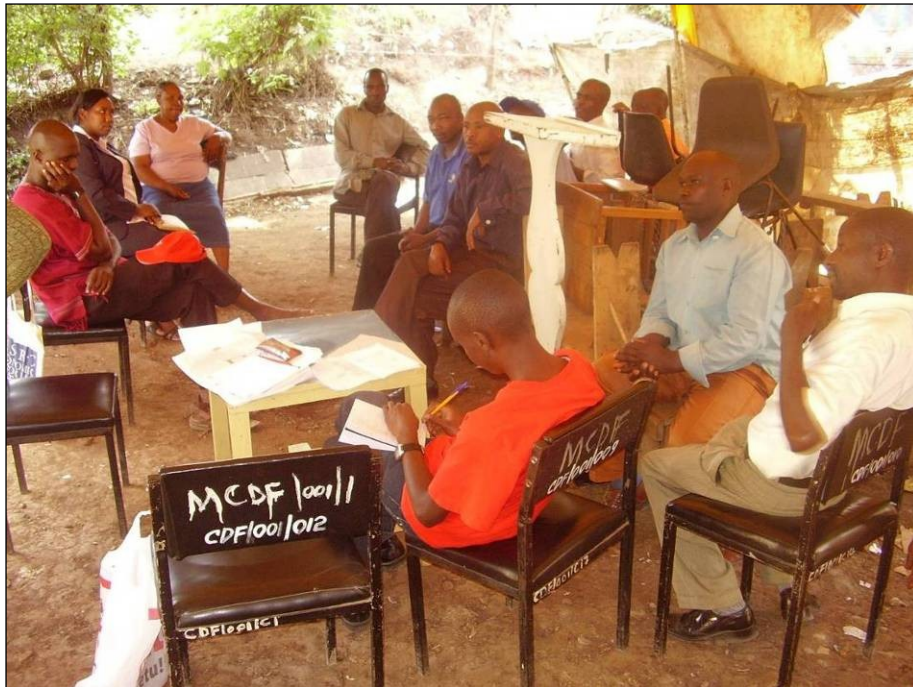
⁵ This excludes the 25 Planners interviewed; together with 74 in Table 1.3 these comprise the 99 respondents.

the Lunga Lunga and Mukuru Kayaba informal settlements in Viwandani Ward, Planners, Engineers and other staff from the City of Nairobi, and Central government departments.

With the exception of seven people, all the others agreed to be recorded. The interviews were conducted in English and Kiswahili and in some cases using a combination of both languages. In some cases interviews with the organised communities, focus group discussions were used to collect this information. This allowed the respondents to explore a wide range of perspectives on the subject of the discussions. A more complete and valid picture emerged as the respondents elaborated and extended their responses. This enabled them to clearly articulate their views. As these discussions progressed, the respondents freely provided unrestricted and spontaneous responses. In these cases, a field research assistant took a detailed record of the discussion and notes of important observations during the workshop. After these workshops, the field assistant and the researcher discussed important aspects of the sessions.

To ensure the respondents voluntarily participated in the research, I carefully read out and explained the purpose of the study and where the results would be published. Although the respondents had the opportunity to terminate the interviews or discussions at any point during the study, this right was never exercised. Furthermore, the respondents consented to the use of their true identities in the written thesis. Nonetheless, where the respondents' names were to appear in the written thesis, these were changed to fictional ones to in accordance with best ethical research practice. The Ministry of Education in Nairobi granted ethical consent for this research. After review of my research protocol by the Ministry of Education and adjustments made, research permission was granted. A further requirement for the research permit was to submit a copy of the final thesis to the Ministry.

Figure 1.1: A Focus Group Discussion in Mukuru outside the Fuata Nyayo Chief's Office during the fieldwork



Source: Photograph by John Ngugi (2007)

Being proficient in both languages, I was able to hold the interviews without much difficulty. My research assistants and I transcribed the tapes. I kept the tapes and transcripts in the original language. I only translated the Kiswahili transcripts during the analysis but endeavoured as best as I could to use both the Kiswahili and translated texts in the analysis. Moreover, as an exploratory study it was essential that every aspect of the research was meticulously documented and recorded because of the possibility that this data and methods might be utilised elsewhere. All the material I used for the interviews, such as the tapes, transcripts and notes, remained in my custody. To ensure credibility of the research and enhance its reliability, the study relied on a number of tactics.

These are outlined in Table 1.4 below.

Table 1.4 Tests for Improving Research Quality and Validity

| Tests | Case study tactic employed | Anticipated for data collection/analysis |
|--------------------|--|---|
| Construct validity | <ul style="list-style-type: none"> • Used multiple sources of evidence • Key informants reviewed draft case report • Triangulation | <ul style="list-style-type: none"> • Asked same questions of several respondents • Cross-checked information with existing literature |
| Internal validity | <ul style="list-style-type: none"> • Confirmed the nature of questions | <ul style="list-style-type: none"> • Questions were shaped by searching for “why” behind relationships and compared with similar literature |
| External validity | <ul style="list-style-type: none"> • Confirmed nature of questions | <ul style="list-style-type: none"> • Ensured I sought both official and personal records on planning and implementation of the LASDAP |
| Reliability | <ul style="list-style-type: none"> • Prepared a detailed case study protocol • Developed case study database • Kept detailed record of transcript and record of all tapes of interviews | <ul style="list-style-type: none"> • Prepared a detailed matrix to contrast information from different categories of respondents |

Source: Adapted from Weerd-Nederhof (2001)

1.5.3 Data Analysis

The biggest challenge faced in this research was effectively analysing and processing the data collected. The unit of analysis for this study is urban planning at city level. The institutional environment for urban planning for poverty reduction was visualised in six main ways that either constrain or enable/facilitate situations that affect poverty reduction at a city level. These included: the Constitution, the national planning framework, the legal framework for planning and poverty reduction, national policies for poverty reduction, the way the city is organised, and plans, including plans for poverty reduction, of a city.

To minimise the weaknesses identified for collecting and analysing official documents, I sought to ensure an accurate completion of all records used in this research. In this respect, I diligently conducted a number of control tests. These are presented in Table 1.4 above. The analytic techniques for this study were a hybrid of categorisation, data displays, pattern matching and in some cases relying on theoretical propositions. The source of information on how planning engages with poverty in Kenya was at least two-fold; namely: official documents on planning in Kenya and key informants. Official documents included national development plans, laws relating to and governing the practice of planning in Kenya and the City of Nairobi planning archives. The archival investigation covered ten national development plans and the two City of Nairobi plans. Other material covered included planning guidelines, Acts of Parliament and planning reports.

Furthermore, using the information gathered from the semi-structured interviews and archival investigations, several analyses were conducted. First identification of the key antecedents and landmarks for planning in Kenya was done. This was useful in beginning a process of documenting important aspects of the planning history in Kenya. These antecedents and landmarks were identified as converging points in both the literature reviewed as well as from the interviews conducted. Second, a framework for planning in Kenya was formulated. The additional task was to establish the framework of planning for poverty reduction at the local level. These analyses then yielded further results, showing the connections between national and local level plans. The key concepts and how these are measured in investigating the challenges faced by urban planning for poverty reduction are summarised in Table 1.5.

Table 1.5: The Analytical Framework

| Concept | Measurement |
|--|--|
| Appropriateness/adequacy (of policy) | <ul style="list-style-type: none"> • Institutions in existence (North, 1991; Chambers, 1997) • Policies in existence (Ibid.) • Responsiveness to urban poverty/reduction (Goetz and Jenkins, 2005) |
| Participation (spaces) | Extent to which citizens are: <ul style="list-style-type: none"> • Manipulated • Subject to Therapy • Informed • Consulted • Placated • Involved in Partnerships in decision-making • Delegated power to decide (Arnstein, 1969) |
| Accountability: Answerability Sanction | <ul style="list-style-type: none"> • Obligation of the state to answer or give account (Ackerman, 2004; Schedler, 1999; Goetz and Jenkins, 2005) • Extent of discretion allowed for the state/official to answer or give account (Ibid..) • Name/type of consequences for failure to give account (Goetz and Jenkins, 2005) |
| Responsiveness | <ul style="list-style-type: none"> • Extent to which public officials exercise the moral obligation to consider preferences of the citizens/poor in decision making (World Bank, 2001; Goetz and Jenkins, 2005) |
| Power | <ul style="list-style-type: none"> • Who decides, whose decision matters (Dahl, 1957; 1961) • Who sets the agenda, whose agenda is important (Galbriath, 1983) • Which interests are most important in policy and decision-making Bachrach and Baratz, 1962) • ‘Facts’, ideas used to generate new versions/meanings of the key issue/s (Foucault, 1991; Flyvbjerg, 1998; Cahill, 2008) • Representations/ways of speaking (Ibid..) |

The information from the interviews was analysed using a content analysis method and then reviewed in the light of other sources of data. I analysed the content of the interview notes according to the words, meanings and themes that were communicated about planning to reduce poverty. Moreover, the

data collected was also verified by triangulation and draft stories from the information analysed from the above data sources were in most cases shared with the respondents to confirm accuracy and fill data gaps that emerged. Upon transcription, the analysis involved identification of key themes, categories and objects of discourse. Evidence of connections and inter-relationships between main discourses were also established. This was followed by an identification and discussion of the discursive strategies and techniques that were employed in these discourses. The analysis also sought to highlight any obvious or covert omissions of poverty and the poor from these discourses.

1.6 Limitations and Delimitations of the Study

As a study that employed a qualitative content analysis, I strove to ensure that the texts I used were as representative as possible. This was to ensure external validity and generalisation of the findings. While the national development plans, sessional papers of the National Assembly and other policy documents at the national level were useful in providing insights into the philosophy guiding planning and the challenges faced, it was not possible to access diaries, personal notes and confidential material related to the plans. Thus an important perspective is unavoidably excluded. To address the above problem, I sought to interview more respondents. These interviews reduced greatly the gap evident by the inability to access confidential material. Nonetheless, substantial information on the policy and institutional frameworks was gathered to highlight the constraints this places on planning for poverty reduction.

The second limitation relates to the extent to which findings of the study may be generalised. This limitation was manifested in two ways. First, the discourse analysis I conducted, like other discursive practices, are dependent on the context. Being so context specific, it has been argued, invariably affects the extent to which a study may be generalised (see for example Mouton, 2001:169). The second aspect in which generalisation was affected

relates to the case study approach itself. In my earlier justification for the case study, I cited Yin (1994), Flyvbjerg (1998; 2002) and Watson (2001) as examples of the robustness of the case study and the contribution this has made. Watson (2001:10) makes a significant point about the case study as being about “particularisation” and not generalisation because “generalisation happens in the mind of the reader to the extent that it is useful in understanding a new situation” (ibid.). Nonetheless, Yin (1994) recognises the restricted use of the results of a single case study. In this study, generalisation to a population is not possible. But generalisation to theory is possible by way of theoretical propositions as Yin (1994) suggests. Moreover, the theoretical and analytical frameworks employed in this study could have a broader application in studying urban planning for poverty reduction in contexts similar to that of Nairobi’s LASDAP.

This thesis is principally about urban planning and poverty reduction, the policy and institutional contexts for planning to reduce urban poverty as well as the limits of urban planning. The thesis also relies on information on urban planning law and governance. The City of Nairobi and the Viwandani ward in Makadara constituency are used as a case study in urban planning to draw implications for the city of Nairobi and Kenya in general but it is not representative of urban planning to reduce poverty in the entire Sub-Saharan Africa.

1.7 Road Map of the Thesis

Chapter One introduces the problem of urban poverty as a perennial challenge in Africa and in Urban Kenya specifically. It reflects on the magnitude of poverty in Nairobi and raises the research question for identifying challenges for urban planning and poverty reduction. The chapter also outlines the research methods for exploring the question which entails: the need for a single case study, strategies for data collection, and the framework used to analyse the information gathered. Chapter Two outlines the theoretical background to the study and discusses the conceptual

approaches to institutions and the institutional challenges of urban planning for poverty reduction. The chapter also discusses a framework for analysing the institutional challenges of urban planning for poverty reduction.

Chapter Three details the growth and development of political institutions in Kenya, showing how this has invariably been egregiously inimical to urban planning for poverty reduction for the last fifty years. Chapter Four and Five turn to an analysis of the institutional framework for poverty reduction. This chapter examines the new constitution, including the legal and policy frameworks for urban planning for poverty reduction, to determine the extent to which participation and accountability are supported in urban planning for poverty reduction.

Chapters Six to Eight shift from analysing the institutional framework to discussing the challenges of planning for poverty reduction in urban Kenya, using the case of the LASDAP in Viwandani ward. Chapter Six examines the ways in which the LASDAP addressed the exclusion of the poor and their participation in planning. Chapter Seven shifts to detailing how the institutional framework ensured accountability in the LASDAP and accommodated the preferences of citizens, particularly the poor, in the planning decisions. Together, Chapters Six and Seven are important in showing how power is used to deliver token participation and the poorest form of accountability, thus ensuring the poor are unsurprisingly and easily disempowered and rendered even more powerless.

Chapter Eight turns from the effects of oppressive power and the powerlessness of the poor in Viwandani to resistance, hope, and ingenuity that sustained and helped adapt the lives of the poor to incredibly harsh conditions. Finally, Chapter Nine shifts to the future of urban planning for poverty reductions. The chapter concludes by presenting the implications for theory, urban planning for poverty reduction and further urban planning research.

1.8 Conclusion

In Kenya the challenge has been how urban planning should respond to poverty. Very little is known about how institutions enable or constrain urban planning in general and urban planning for poverty reduction in particular. The question of how power works in institutions to promote and/or undermine the realisation of urban poverty reduction is very crucial in urban planning, and to this study in particular. Is this question addressed? That is the challenge of this thesis.

This chapter has presented the problem and the research methodology. The remainder of the thesis systematically addresses the challenges posed above. First, by providing the conceptual framework, and then a detailed discussion of the institutional context and finally applying this to the empirical results from perceptions and analyses of the community in Viwandani and professionals in the City of Nairobi and sections of the central government of Kenya.

CHAPTER TWO: THE ROLE OF INSTITUTIONS IN PLANNING FOR POVERTY REDUCTION: A CONCEPTUAL FRAMEWORK

2.1 Introduction

This chapter presents a conceptual framework for analysing the institutional challenges within which urban planning for poverty reduction is situated. A range of theoretical insights are brought together from notions of power and institutions to tease out the different ways in which institutions constrain and/or enable urban planning processes. The argument provided here is that: to understand the challenges of urban planning in poverty reduction, the relationships between institutions and citizens, particularly between planners and the poor, are more important than an instrumental notion of urban planning for poverty reduction.

The remainder of this chapter is divided into six sections. Starting with power, the following section elaborates on the main pillars of the conceptual framework for the study. This is followed by a discussion of the conceptual background to poverty and poverty reduction; and approaches to institutions with specific reference to contributions from development economics and sociology in the third and fourth sections respectively. The fifth section continues with a discussion of the institutional challenges in urban planning. The chapter again turns to formulating the analytical framework for assessing the institutional challenges for urban planning in poverty reduction in the sixth section. In the final section, the chapter draws conclusions that justify the need for a new conceptual framework to analyse the institutional challenges of urban planning for poverty reduction.

2.2 Conceptual Frames of the Study

This study is framed by four main ideas. These ideas are power, poverty and poverty reduction, urban planning, and institutions. In this framework, as stated by Alexander (1986:126), it is postulated that urban planning for poverty reduction is dependent on the institutional and policy frameworks (Chambers, 2005; Fukuyama, 2007). However, the relationship between urban planning for poverty reduction and the institutional framework is invariably impacted by power (Forester, 1989; 1999; Flyvbjerg, 1998).

The framework below in Figure 2.1 shows the relationship between the concepts and how these are theorised in this study. The institutional framework shows that the behaviour of political actors is shaped by a system of constraints, rules and procedures in contexts within which these actors are found. I draw on rational choice theory and institutionalism (North, 1990; Morgenthau, 2006; Ostrom, 1986; 1991; Shepsle, 1979), which suggests that because political actors are rational by nature, they participate in political activities from which they derive maximum benefits at the least possible cost. It is also observed that actors are aware of their preferences and those of the other actors, hence they use clearly defined strategies to achieve their interests (Steinmo, 2001). It is further assumed that actors voluntarily choose to be constrained by institutions because they are confident their individual goals and interests can be achieved. Here institutions are conceptualised as vitally important in creating stability in complex contexts. By minimising uncertainty, there is always space to achieve both self-interest and collective goals (Steinmo, 1992).

Against this backdrop, institutions create stability in complex situations and they do not change easily. This institutional equilibrium is possible and a norm because the actors are generally reluctant to change the rules of the game for fear of the unknown after the changes are made. Second, since actors are rational and always aware of the other actors' interests and preferences, their behaviour is invariably influenced and shaped by institutional contexts. Moreover, the rational quality of individual actors means that individual and

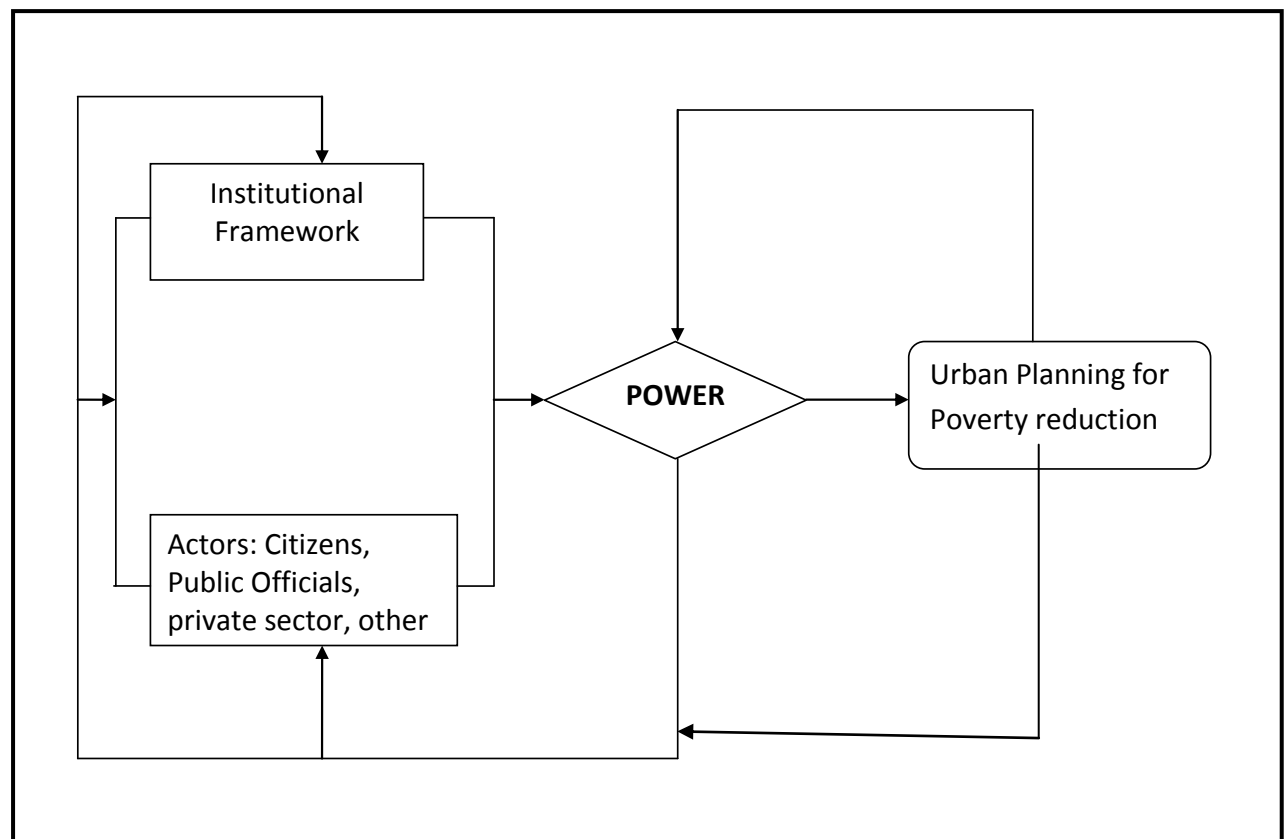
national interests always matter in decision-making. Therefore, I conceptualise the relationship between institutions, citizens, particularly poor citizens, planners and other professionals as co-dependent.

In this thesis, power has been conceptualised as an intervening feature that shapes the relationship between urban planning for poverty reduction and the institutional frame. The distribution of power determines the institutions adopted in urban planning for poverty reduction as well as shaping how this is practiced. Power is the ubiquitous thread that runs through institutions and urban planning for poverty reduction (Foucault, 1991). This thesis also adopts the view that power manifests itself in elaborate but complex ways and for that reason adopts, for the analysis, a multi-faceted notion of power from a range of perspectives: power as decision-making (Dahl, 1957; 1961); power as non-decision-making (Bachrach and Baratz, 1962); three dimensions of power (Luke, 1974; 2005); governmentality (Foucault, 1991; 2001; Deleuze and Guattari, 1988; Cahill, 2008).

Power as decision-making

The notion of power as decision-making is associated with the work of Dahl (1957). Dahl (1957) sought to show that, A had power over B to the extent to which A could get B to do something that B would not have ordinarily done. In this perspective, power refers to the act of prevailing in decision-making. Further, power is not equated with power in resources, which in this perspective are only potential power. To make decisions, Dahl argued that resources were not always deployed.

Figure 2.1: Summarised Conceptual Framework



To Dahl, resources and the political sphere where the resources are used are important in distinguishing between potential power and the degree of power. Where two individuals have the same resources, the one who is considered powerful is the individual who influences and/or controls the political sphere where the resources are used. In this perspective, resources are important in determining power, but only potential power and not the extent of that power. By conceiving power in the terms of Dahl, in this study, power is then analysed in terms of: which actor participates, what does the actor gain or lose, and -ultimately - who is most powerful and prevails in decision-making. But there are drawbacks in analysing participation such as non-participation.

Power as non-decision making

Building on Dahl's (1957; 1961) theory of power, Bachrach and Baratz (1962) made an important contribution to the power debate; that power was not only decision-making, but is also non-decision-making (the decision not to make a decision) could also be conceptualised as agenda setting. From Dahl's relationship between A and B, they further argued that not only does A exercise power over B in overt decision making, but A may also exercise power over B by limiting the scope of the political process to issues that A wants – introducing the “second dimension” of power. In the second dimension, Bachrach and Baratz (1962) take into account the manner in which decisions made may be influenced. In this perspective, both not making decisions and preventing issues from making the agenda exercise power. In this stream, the analysis of power is concerned with the exclusion of some actors. In the case of urban planning for poverty reduction, these are invariably the poor, particularly women and youth. Actions such as labelling/classifying some matters as private and confidential, exclusion of ideas and people through extensive bureaucratic processes and endless committees that never resolve issues are examples of power in the second dimension.

Radical View of Power

While Bachrach and Baratz (1962) and Lukes (1974) criticized Dahl's (1957; 1961) perspective of power mainly as being narrow, Lukes (1974) also found Bachrach and Baratz's (1962), and Dahl's (1957; 1961) work on power inadequate because of what he (Lukes, 1974) calls a behavioural focus. To address this weakness, Lukes (1974) proposed the radical view of power as being formed by the dialectical relationship between structure and agency. Lukes' (1974) radical view of power completes the third dimension of the power debates. Building on the relations between A and B that Dahl (1961) and Bachrach and Baratz (1962) use to articulate their positions on power, Lukes notes that A exercises power over B when A affects B in ways contrary to B's interests. According to Lukes, biases are invariably not reducible to

individuals' actions or non-actions, they are instead carried on from the past in the form of structured or culturally patterned behaviour of groups.

The other important aspect of Lukes' conceptualisation of power is his attention on the relationship between power and knowledge. Power here specifically is postulated to shape the way in which particularly the poor understand their wants. Influenced by Gramsci's (1971) notion of "hegemony," Lukes argues in the third dimension of power, that power "distorts" knowledge or "the truth" in ways that are arguably beneficial to the specific interests of the dominant group. He also suggests that consensus and social order are bound up in a conspiracy of the powerful in which the "truth" is hidden from the powerless. Thus, in Lukes's third dimension of power, he emphasises "false consciousness" or ideology, where the less powerful are not aware of their "real interests."

Governmentality – power as immanent

The notion of power as immanent, or being everywhere, was inspired by the work of Foucault (1991; 2001) and Deleuze and Guattari (1988). In this approach, power is organised through sophisticated webs of discourses, relationships and practices that produce some as powerful and others as less powerful. The immanence of power through discourses and practices shapes everyday life. Because the discourses and practices that maintain power relations are always being reproduced, the effects of power are dynamic and not static or stable. To Foucault (1991), this process of reproduction is "governmentality." Here reproduction is "...not only enacted by the powerful but is also dominated by subjects acting socially defined roles and identities" (Cahill, 2008:298). The main contribution from governmentality then is that power is continually reproduced. However, Allen (2003) acknowledges the processes of domination and resistance, yet he also highlights the seductive, manipulative, coercive, cooptive, and authoritative aspects of power. Allen (2003) further argues that the conceptualisation of power as immanent inadvertently restricts the appreciation of the relationship between power and

place; and obscures the recognition of nuances of how power operates in specific places and specific times.

Power determines knowledge ... power is knowledge

Informed by the Machiavelli-Nietzsche-Foucault tradition, Flyvbjerg (1998) critically analyses the history of the award-winning Aalborg project aimed at reducing private car use whilst promoting public transportation, including non-motorised transport. Flyvbjerg explores the relationship between knowledge, rationality, and power. While he does not explicitly define these concepts, he strongly suggests that the 'real politics' in Aalborg defines both the knowledge and rationality of the planning intervention. From Aalborg, it is clear that good and commonly shared objectives, however well intentioned and widely believed in, cannot guarantee that these objectives will be successfully implemented and realised but rather that a thorough understanding of the political context and its implications on implementation invariably assures successful implementation and realisation of good and commonly shared objectives.

By failing to implement measures aimed at reducing private car use but succeeded in implementing those for promoting public transportation, Flyvbjerg is convinced the Aalborg project and planning failed:

There is considerable evidence to indicate that Aalborg's situation would have been better had the Aalborg Project not been implemented at all (Flyvbjerg, 1998:224).

In Aalborg, Flyvbjerg (1998) shows that through power, institutions that were to represent public interest were embedded in covert power relations and brutally protected and promoted special interests: "Power procures the knowledge which supports its purposes, while it ignores or suppresses that knowledge which does not serve it" (Flyvbjerg, 1998:319). From the Aalborg case study, Flyvbjerg contributes ten propositions that are useful in studying rationality and power in other contexts. These propositions are: 1) power

defines rationality; 2) rationality is context-dependent, the context of rationality is power, and power blurs the dividing line between rationality and rationalisation; 3) rationalisation presented as rationality is a principal strategy in the exercise of power; 4) the greater the power, the less the rationality; 5) stable power relations are more typical of politics, administration, and planning than antagonistic confrontations; 6) power relations are constantly being produced and reproduced; 7) the rationality of power has deeper historical roots than the power of rationality; 8) in open confrontation, rationality yields to power; 9) rationality-power relations are more characteristic of stable power relations than of confrontations; and 10) the power of rationality is embedded in stable power relations.

Cousins and Hussain (1984:10) note that in the Foucauldian approaches, discourse provides the shape, form and constitution of objects, yet the subjects are constituted by discourse. Interestingly, it is from Foucault's notion of power, particularly his ideas on surveillance, that Giddens' (1984) structuration theory builds. Although Giddens rejects the Foucauldian understanding of surveillance (Cowton and Dopson, 2002:207), through the notion of resources, Giddens acknowledges Foucault's view that the context influences behaviour. Unlike Foucault who denudes individuals of agency, Giddens retains the possibility of individual agency.

Power in things, power through mobilisation

Allen (2003) challenges the notion that in development, power is in finite resources and institutions (Kilby, 2002; Mayoux, 2002). In this view of power, an increase in accumulated 'things' is an acceptable indication of power. Thus, the powerful are those with 'things' and, conversely, the powerless are those without "things." Allen (2003) considers conception of power disempowering to the powerless. Allen (2003:5) contends that possession of resources is always equal to being powerful, but instead power is based on the use of resources through established social relations. Therefore power is available in all contexts – at the centre and at the margins.

Allen (2003) also builds on ideas of network theory and collective action (for example Castells, 1996; 2000; Mann, 1993), to engage the idea of power through mobilisation. Allen acknowledges the usefulness of the conceptualisation of power through mobilisation such as participatory development (for example Chambers, 1997; 2005) and collection action (for example Arendt, 1958; 1970). However, he argues that power through mobilisation "...neglects power dynamics within and across groups...."(Cahill, 2008:297). Like Allen (2003), Cahill also notes "...power is not some static capacity, but constantly shifts across time and space." (Cahill, 2008:298).

Condign, compensatory, conditioned power

Galbriath (1983) is the main proponent of the views of power as condign, compensatory and conditioned. Galbriath presents power as "...the possibility of imposing one's will upon the behaviour of other persons (Galbriath, 1983:2). In this respect, Galbriath is not too different from Dahl's (1957) conception of power as decision-making. But for Galbriath (1983) there is a correlation between the types and sources of power. Beginning with condign power, some of the important sources or instruments of power include personality, quality of physique, mind, speech, and moral certainty. With the above sources, then condign power "...wins submission by the ability to impose an alternative to the preferences of the individual or group that is sufficiently unpleasant or painful so that these preferences are abandoned." (Galbriath, 1983:4-5).

Compensatory power, wins by offering something of value to the person submitting, for example: payment of money for services. According to Galbriath, compensatory power is exercised by persuasion, education, and social commitment so that belief(s) may be changed. The main sources of and instruments for exercising compensatory power include property and incomes. Conditioned power Galbriath adds, "...more than condign or compensatory power is central to the functioning of modern economies" (Galbriath, 1983:5-6). It is assumed that when the exercise of power is

needed, organisation is also required. In addition to organisation, persuasion is necessary for subsequent submission.

Galbraith (1983) makes two important contributions from his conception of power. The first contribution points to the extent to which one is powerful being directly proportional to the sources or instruments of exercising power. The implication is that if one only has access to personality, they are invariably less powerful than one with personality, property and organisation. Galbraith's (1983) focus on conditioned power is arguably the second contribution. The clear focus on conditioned power or organisation enables the visualisation of the ubiquitous nature of conditioned power. An understanding of the pervasive presence of conditioned power shows the dark side of organisation. The role of propaganda in managing or even detracting from deserved criticism, the use of media in shaping the interpretation of the public on key public interest issues such as corruption, bad governance and dictatorship as some of the examples that illustrate the pervasive presence of conditioned power.

Therefore, to be able to determine the extent of the distribution of power and subsequently how the institutions adopted it in urban planning for poverty reduction, or how institutions shape planning, it is vitally important to determine the role/s played by the various forms of power.

The definitions of urban planning have changed over time; but the focus has also been clarified with these changes in the course of time. In some cases urban planning refers to governance with a growing focus on institutional and policy analysis. But urban planning has also been understood as a political activity. As in Watson (2002), in this study, urban planning means "those intentional public actions which impact on the built and natural environment and which are frequently accompanied by political processes" (Watson, 2002:28). Accordingly, urban planning for poverty reduction would be: those intentional, public and political actions aimed at providing and or increasing the poor people's wellbeing, goods and services, and their capabilities, but also impacting on the built and natural environment. In the framework above,

the operation of power in institutions ultimately determines the type, form, and focus that urban planning for poverty reduction takes at any given time in specific contexts.

2.3 Poverty and Poverty Reduction

Discussions of poverty have revolved around two subjects: the individual and the space the individual occupies, namely communities, regions, countries and continents (World Bank, 2001; 2005; UNDP, 2005; Sachs, 2005; Collier, 2007; Green, 2008). Graaff (2003:6) notes that the “term poverty often applies to individuals, whilst development refers to countries.” George (1988:1-23) also notes differences in time and space in the ways in which poverty is discussed.

In contemporary debates, for example, there are considerable differences between the discussions around poverty in the rich, northern countries and in the poorer southern countries. Discussions in the global north are mainly concerned with “affluence poverty” dealing with issues of income disparity, joblessness, and the effects of inflation; and in the global south with “subsistence poverty” –focusing on the minimum requirements a person should have for subsistence. But “affluence poverty” related concerns are also increasingly important.

Mainly for the purposes this study, poverty in the Sub-Saharan African cities goes beyond the notions of the people, the space, affluence, and subsistence above, to include the social relations that confine the poor to chronic and excruciating inhuman conditions and indignity. In defining poverty there are three distinct schools of thought that must be considered: welfarist, basic needs and capability. The following section focuses on these schools.

2.3.1 Welfarist school

As Asselin and Dauphin (2001:20) note, poverty refers to the absence, inadequacy or even the missing of 'something.' In the welfarist school, whose proponents are the World Bank, the International Monetary Fund (IMF) and other International Financial Institutions (IFIs), this 'something' is economic well-being or economic welfare; to the basic needs school it is "a subset of goods and services specifically identified and deemed to meet the basic needs of all human beings" (Asselin and Dauphin, 2001:21); and it is human abilities or capabilities in the capability school of thought. For that matter, poverty reduction seeks to provide for or even increase this 'something': economic wellbeing, goods and services, and human abilities or capabilities.

The Welfarist approach is anchored in the classical micro-economic theory, which holds that the main aim of economic behaviour is to increase economic well-being (Duclos and Araar, 2006:3). Ravallion (1994) elaborates that economic well-being is sometimes referred to as economic "welfare" or utility or as a standard of living. Utility itself is conceived as a psychological feeling such as happiness, pleasure, or desire fulfilment generated by commodity consumption. Because preferences also vary from person to person, this approach leads to the formulation of a first principle, that individuals themselves are the only ones who know what truly is in their best interest. In other words, the assessment of someone's well-being should be consistent with the ordering of preferences revealed by that person's free choice. A pure welfarist approach faces important practical problems: preferences are not observable, how to measure the 'psychological happiness' of an individual or her economic well-being, and how to compare subjective preferences.

Welfarist comparisons of poverty thus use less than perfect observable proxies for utilities such as consumption or income (Tinbergen, 1990; Lipton and Ravallion, 1995). Because of its use of incomes as a proxy, the welfarist approach is also seen as 'the income approach to poverty' (Asselin and Dauphin, 2001). But income or consumption cannot adequately provide

conclusive measures of economic well-being. Some of the aspects of economic well-being that cannot be adequately measured include public goods such as peace, health, and literacy. Notwithstanding the weaknesses, the welfarist school is currently the dominant approach amongst poverty analysts, especially development economists. In Kenya, as in other Sub-Saharan African countries, the income approach is not only the official way poverty is computed, but also the most prevalent in literature (see for example Ravallion and Chen, 2008; World Bank 2001; Republic of Kenya, 1999; Government of Kenya, 2004).

2.3.2 Basic Needs School

In the poverty analysis literature (for example Duclos and Araar, 2006) the basic needs school ranks second to the welfarist school in importance. The main proponents of this approach have been Seers (1969), the International Labour Organisation (ILO) (1973) and Streeten (1974; 1982), among others. It focuses on the need to attain some basic multidimensional outcomes that can be observed and monitored easily. They are not initially perceived as generators of well-being. In the traditional Basic Needs approach, the basic goods and services usually include: food, water, sanitation, shelter, clothing, basic education, health services, and public transportation (Streeten *et al.*, 1981). Poverty is therefore defined as the sustained inability of a family to meet its basic needs for survival. One of the main problems which confront this school is the determination of what the basic needs are. On the determination of needs, Cutler (1984:1120) notes that this is problematic as the precise measurement is always contested. It is generally specialists such as nutritionists, physiologists and other specialists who are called on to determine the basic needs of individuals.

While the basic needs approach provides a multi-dimensional perspective to understanding poverty, this approach has not always been well-embraced. Economists both in the IFIs and national governments such as Kenya have successfully questioned the benefits of adapting a laborious, expensive and

contentious system of measuring poverty. Notwithstanding the reservations by mainstream economists, in Sub-Saharan Africa South Africa and Kenya have successfully built on the ideas of the basic needs school to constitutionally guarantee these as minimum entitlements and rights for all human beings (see for example the Constitution of Kenya, 2010).

2.3.3 Capability school

This school of thought was borne out of Amartya Sen's engagement with the concept of economic well-being. According to Lipton and Ravallion (1995), Sen rejected the welfarist approach as the only measure of welfare. In addition to the role of utility in an individual's life, Sen showed that there are other things of value. The vision of Sen's work was much more global and aimed at developing a new concept of what has value for the human being. Outlining the capability approach, Sen says:

The capability approach differs from utilitarian evaluation (more generally welfarist evaluation) in making room for a variety of doing and being as important in themselves [...] In this sense, the perspective of capabilities provides a fuller recognition of the variety of ways in which lives can be enriched...(Sen, 1992:44).

It is the ability of the individual to function well in society; it is not the function actually attained by the person. The major characteristic of the approach is the idea of free choice. A person will not be judged poor even if he chooses not to achieve some functionings, so long as he would be able to attain them if he/she so desires. This distinction between outcomes and the capability to achieve the outcomes also recognises the importance of preference, diversity and individuality in determining functioning choices. So, functionings are achievements, where having utility is an example where capability to function refers to the liberty to choose from among different functionings. Since "acting freely and being able to choose in this view, is directly conducive to well-being" (Sen, 1983:160), the value of someone's life is better seen in terms of

capabilities than functionings. The capability school thus considers a person to be poor if he does not have the possibility to achieve a certain subset of functionings.

Looking at capabilities and functionings instead of commodities obliges one to take into consideration personal characteristics. In the capabilities perspective, three definitions of poverty arise. First, poverty as lack of command over commodities or severe constriction of the choice set over commodities; lack of specific consumption/s; and broadly, as simply lack of capability. The functionings relevant to the analysis of poverty and its reduction can vary from such elementary physical ones as being well-nourished, being adequately clothed and sheltered, avoiding preventable morbidity, to more complex social achievements such as taking part in the life of the community, being able to appear in public without shame, and so forth.

The Human Development Index and global Human Development Reports published by the UNDP have put the ideas of the capability school to the greatest test. The debates that are associated with the Human Development Reports have resulted in a shift of the focus of development economics from national income accounting to people-centred policies. The above shift is arguably the most significant outcome of the capabilities school. However, this has not been without criticisms. Not least of all, the Human Development Reports, and by extension, the capability school, are perceived as redundant (McGillivray, 1991), a reinvention of the wheel (Srinivasan, 1994), legitimise the arbitrary ranking of countries (Rao, 1991; Hopkins, 1991), and do not include moral development (Basu, 2005). Whilst the criticisms are justifiable, the capability school never set out to achieve what it is criticised for. Curiously, there are no discussions that engage the merits of shifting the focus of development economics from national income accounting to people-centred policies.

Notwithstanding the shift to people-centred policies, the income approach dominates and is fully owned by national governments. Unfortunately in Kenya the human development report remains largely a UNDP matter with

marginal interest from the government. Governments are yet to adopt the capability approach. Even in Kenya with its current shift to a people-centered constitution that provides for an institutional framework supportive of participation, accountability, and respect of human rights, this approach has not been prioritised.

Apart from the three schools of thought on poverty, poverty can also be seen as deprivation in terms of both material and non-material goods and assets (Chambers, 1995). From a material poverty perspective poverty is seen and measured in terms of income and/or consumption. The non-material perspective allows for poverty to be perceived in terms of poor health, low education or illiteracy, insecurity, social exclusion, insecurity and lack of freedom. Poverty can also be understood from an objective or subjective view (Chambers 1992; 1995). An objective view of poverty occurs when quantifiable indicators and measures are used for material and non-material dimensions. A subjective view of poverty is when individuals' own judgement on their well-being is used to determine both material and non-material dimensions of poverty (ibid.). The above conceptions of poverty indicate an aspect of livelihoods that further elaborates the complexity of poverty. Chambers (1995) defines livelihoods as "...a living which is adequate for satisfaction of basic needs, and secure against anticipated shocks and stress" (Chambers, 1995:175). Chambers's (ibid.) view of livelihoods points to subtle relationship between livelihoods, assets and vulnerabilities; a relationship explored in greater detail in the sustainable livelihoods approach (Chambers and Conway, 1992).

The sustainable livelihoods approach builds on ideas from the three schools of poverty (discussed above) making it possible to conceptualise poverty in a complimentary way. The antecedent to the sustainable livelihoods approach was the 1992 Brundtland Commission on Environment and Development that sought to link socio-economic development to ecological concerns. As Moser (2009) notes, three issues influenced the development of the asset vulnerability framework, namely: the need to distinguish between poverty and vulnerability, operationalising vulnerability (identifying the threats and shocks

on one hand, and the resistance on the other hand), and categorising coping, survival, and response strategies (Moser, 2009: 20-21). From the sustainable livelihoods approach, it is possible to determine the extent to which poverty may be reduced or the degree to which one may be susceptible to becoming poor. Moser (2009) summarises this idea very well, “The more assets people had, the less vulnerable they were; the greater the erosion of people’s assets, the greater their insecurity.” (ibid.: 21)

In this thesis, I adopt the ‘all-inclusive’ notion of poverty, which is clearly a hybrid from the three schools shared above and sustainable livelihoods approach. This is necessary because such conceptualisation makes it possible to relate poverty reduction and the institutions that constrain poverty reduction and exacerbate poverty. In the literature poverty is intrinsically a political problem (Moser, 2005; Mosse, 2005). Moreover, the intractability of poverty “...reflects its institutionalisation within social and political norms and structures, and its legitimisation within political discourse” (Mwangi and Markelova, 2009:314). Thus, by encompassing the multi-dimensionality of poverty, it is possible to analytically explore how institutions constrain or enhance poverty reduction efforts.

2.4 Approaches to Institutions

The notion of institutions is variously understood. The word ‘institution’ has been defined as organisations such as an NGO, government department, rules in use, or even referring to working rules, procedures and norms expressed in repeated activities and relationships between individuals in organisations (Chambers, 1997:121). North (1990:3) defines institutions as the rules of the game in a society. He (North, 1991: 97) views them as “humanly devised constraints that structure political, economic and social interaction” (Uphoff (1987) also defines institutions as “stable, valued recurring patterns of behaviour” (Uphoff, 1987:8). They include both formal rules (such as constitutions, laws and property rights) and informal rules (such as sanctions, taboos, customs, traditions and codes of conduct) whose

function is to structure incentives in political, social or economic exchange (North, 1991). Fukuyama (2007) observes important differences between formal and informal institutions as; "...formal institutions can be established, abolished or changed with the stroke of a pen. [...] But informal institutions reflect embedded social practices which are often hard to perceive and measure, and harder to manipulate through the levers provided by public policy" (Fukuyama, 2007:23).

From these definitions, institutions are evidently critical to how a society is organised and institutions indeed shape how societies evolve from time to time. Institutions empower and constrain actors in different ways and inhibit or enhance their capacity to act in accordance with the invariably prescriptive rules of appropriateness. In terms of poverty reduction, institutions would therefore be important in understanding how best poverty can be reduced and how urban planning is organised, or even constrained, to respond to poverty. In this study, the idea of institutions is limited to mainly formal political institutions, particularly the laws and policies, including plans that govern urban planning and poverty reduction. This focus is influenced by the fact that poverty, as shown earlier, is a political problem (Moser 2005; Mosse, 2005) and urban planning for poverty reduction is also a public and political process. I shall briefly highlight the contemporary perspectives to institutional analysis in economics and sociology.

2.4.1 Institutions in Economics

From an economics perspective, institutions offer a basis for lasting economic growth when they ensure reliable property rights, manage conflict, maintain law and order, and align economic incentives with social costs and benefits (Rodrik, 2003). There also have been scholars who have explored the relationship between institutions and economic modernity. Putnam (1993), for example, explores the relationship between institutional performance and economic modernity. His work on civic traditions in Italy showed a strong correlation between performance of political institutions and the nature of civic

life or civic engagement. In the economics discipline, four main thrusts of institutional analysis can be identified. The first group is concerned with choice among constraints. Buchanan (1990) is a good example of scholars who have been pursuing this line of investigation. It follows, therefore, from this view that planning as an institution shapes the role and behaviour of the public, planners and political institutions. Lane's (2005) argument that the model of planning being used determines the role of the public further underscores the significance of institutions from the perspectives of scholars such as Putnam (1993) and Buchanan (1990).

The second group has focused on the evolution of property rights. The work of North (1990) is exemplary in this respect. The main argument in this group is that institutions constrain behaviour and hence provide justification for change of these constraints. According to North (1990), institutions affect the performance of the economy by determining the costs of exchange and production as well as the opportunities in line with the constraints of economic theory. Organisations are therefore imposed to harness these opportunities and as they evolve they invariably change the institutions and institutional arrangements tremendously.

For North (1990) institutional change occurs incrementally because actors in political and economic markets frequently make decisions based on incomplete information and subjective mental constructs that influence the information received by an individual and how it is processed. North compares the differences in economic growth of the United States and other developing countries to show the relevance of institutions. North (1990) argues that in the nineteenth century institutions facilitated the tremendous growth of the economy of the United States of America. These ensured incentives for organisations to engage in productive activity. In contrast, in many developing countries that have pursued institutional change that increasingly favours redistributive over productive activity, monopolies instead of competitive conditions are created, thereby adversely affecting economic growth. These institutions that support redistribution invariably constrain opportunity and productivity, thus slowing down economic growth. In urban planning for

poverty reduction, power, institutional change and reform can be ominous as they can undermine planning objectives such as the redistribution of income and reduction of inequality.

Holmstrom and Milgrom (1990) and Williamson (1990) are some of the scholars in the third group. This group builds on the idea of property rights and contracting to explain the difference in organisations and contracts. Williamson (1990) uses the ex-post aspects of contracting or the 'transaction costs economics' to explain the difference in organisations. Holmstrom and Milgrom (1990) focus on the ex-ante aspects of contracting or the agency theory to explain the difference in organisations and contracts.

Others addressed relationships between institutions and economic behaviour. Barzel (1989) is typical of this group of research. In this group, the analysis focuses on how rights affect behaviour such as investment, productivity, use of resources and contracting, amongst others. Baumol (1990) explores the relationship between institutions and economic productivity. In his analysis of the relationship between entrepreneurship and economic growth, Baumol (1990) shows the correlation between productivity and entrepreneurship, arguing that institutions determine the distribution of entrepreneurial resources in three ways: productive, unproductive, and destructive entrepreneurship. In urban planning for poverty reduction this means that institutions not only affect the efficiency of a planning intervention, but also determine the extent to which poverty will be reduced.

The productive entrepreneurship includes activities that result in increase in wealth and net gains for society. Unproductive entrepreneurship is comprised of behaviour or actions that lead to wealth for a minority in the society; and are of doubtful importance for society, for example innovative rent-seeking or the non-productive pursuit of economic profit. Finally, destructive entrepreneurship is evident in a behaviour that is parasitic and destructive to the economy and society, such as warfare and mercenary activities. Overall, rent-seeking behaviour stymies economic growth. Murphy *et al.* (1993) find that when more resources are allocated to rent-seeking, these lower

incentives tend to produce reduced output in the economy. Consequently, the returns to production may fall faster than returns to rent-seeking. However, rent-seeking behaviour is also a disincentive to innovative activity and hence invariably adversely affects economic growth.

Hugon (2004) emphasises the need for critical analysis of the role of institutions in economic development. Such analysis, Hugon (2004) continues, needs to take into account both political and economic factors reflected in formal structures that have recognised legitimacy as well as socio-political factors that often reflect the compromises of the accumulated stocks of relational or social capital. Woolcock (1998) asserts that it is impossible to understand the prospects of development policies and projects without knowing the characteristics of social relations at both the micro and macro level, “whether and how” these levels articulate with one another and the historical emergence of this degree of articulation (Woolcock, 1998: 183). Woolcock (1998) also argues that a complementary relationship between a government and its citizens is required for sustained economic development. This is because the nature of state-society relationship is crucial for a better understanding of the economic prospects of citizen groups and their efficacy in moulding the state’s willingness and ability to act in a developmental manner.

Since the quality of state-society relations affects the development of citizens, it is imperative for urban planning for poverty reduction to ensure that interventions do not reinforce power relations that are detrimental to the interests of the poor. Gonzalez and Healey (2005) draw on institutionalist approaches to a design methodology to show how governance capacity may emerge. In this methodology, three issues are addressed: identification and assessment changes and how these might affect the status quo; emerging changes in urban governance and how these support social innovation; and the various power dynamics mobilised in initiatives which promotes a socially innovative behaviour.

The foregoing sections reflect that political institutions are critical for development because they provide public goods and services, design formal rules that regulate social relations, and ensure the efficient allocation and equitable distribution of resources to enhance the welfare of the people. From an economic perspective, thinking on institutions has been enriched in terms of the way institutions constrain behaviour and provide incentives for reforming the constraints or institutions. The new institutional economics offers an analytical framework that integrates institutional analysis into economics and political science (Williamson, 2000). But sociology also influences how the economics field has understood and analysed institutions. I consider institutions from a sociological perspective next.

2.4.2 Institutions in Sociology

The analysis of institutions in the field of sociology is concerned with social order. Two schools of thought have been influential in addressing the key question of institutional analysis in sociology: how does social order occur? The first school is associated with works of Durkheim (1938) and the second with Weber (1978). To Durkheim (1938), social order comes about through processes where individuals are socialised into collective ways of thinking and acting. At any given time, for these individuals, the collective ways of thinking and acting are always outside their own thought and action. But the individuals also have to conform to the collective action and thought. By formulating the analysis of processes of legitimacy and showing that social reality is continually [re]-constructed, Zucker (1986) and Berger and Luckmann (1967) respectively, have further developed the core ideas of Durkheim (1938). The innovations notwithstanding, the main idea of 'institutions' in this school of thought refers to the reality of collective thought and action.

Weber's (1978) school of thought contributed the notion of 'orders' or institutional spheres to institutional analysis. Each of these orders is comprised of sets of interests. The institutional spheres or orders are

elements that portray consistency; and each institutional order comprises rules stabilised internally by legitimacy and externally through informal sanctions (Lindenberg, 1992:126). Weber's (1978) ideas have been instrumental in deepening thinking on institutional theory of organisations. The work of DiMaggio and Powell (1983) on organisational fields is an example of how productive the use of Weber's idea has been in advancing knowledge on institutional theory.

The main contribution on institutions from sociology is evident in the significance given attention to role of legitimacy in minimising the costs of conforming to institutions. A useful proposition from the structuration theory for understanding institutions is that rules and resources drawn upon in the production and reproduction of social action are at the same time the means of system reproduction (Giddens, 1984:19). Although remarkably similar to Foucault's notion of power in several respects, Giddens' idea of agency emphasises the capacity of actors: Thus:

Agency concerns events of which an individual is the perpetrator in the sense that the individual could, at any phase in a given sequence of conduct, have acted differently. Whatever happened would not have happened if that individual would not have intervened (Giddens, 1984:9).

The individual is therefore an integral part of a network of power even when s/he may not necessarily have the capacity that Giddens points out. Conceptualising the poor with agency certainly provides new ways of understanding empowerment – creating stable relations where poverty is not reproduced, but also creating unstable relations and resistance where new and hybrid knowledge and 'truth' of poverty is reproduced. In Giddens's (1984) structuration theory, structuralism and functionalism underline the primacy of the social whole over its individual parts. To understand human social activity, Giddens (1984) turns to the relationships between structure and agency. In this theory, structure refers to the "structuring process that makes it possible for discernibly similar social practices to exist across varying

spans of time and space” (Giddens, 1984:17). Agency, on the other hand refers to an individual(s) capability of doing things (ibid.:9).

From Giddens’s (1984) structuration theory, rules and resources are drawn upon in the production and reproduction of social actions that are at the same time the means of the system(s) reproduction. New institutionalist thought builds on the notion that even though institutions shape our practices *per se*, however, they do not really shape individuals. Building on Giddens Structuration theory, it is “...common sense of the sociology of knowledge these days that institutional structures are both constraining and enabling” (Hajer, 1995:48).

In the new institutionalism, for instance, it was possible to conceptualise institutions as empowering, constraining, regulatory, and enabling. As Dale (2000) observes, with new institutionalism it is also possible to conceptualise how institutions shape decision-making and action through shared norms, values, beliefs and discourses. In political science, several theoretical approaches are considered in the study of political institutions. These include normative institutionalism, rational choice institutionalism, historical institutionalism, international institutionalism, constructed institutionalism and network institutionalism. In this section these institutionalisms are briefly outlined into their respective strands. Starting with normative institutionalism, the focus is on rules and appropriateness in political institutions and how these shape behaviour of individuals (for example Simon, 1965; Lupia and McCubbins, 1998; Goodin, 2000). In rational choice institutionalism, political institutions are considered in three main ways: as exogenous constraints, rules as provided by the players themselves, and as macro-sociological practices (Shepsle, 2006:24-26). Historical institutionalism addresses itself to questions of how decisions and choices made about institutional design subsequently shape decision-making of actors and individuals (Tomlins, 1985; Sanders, 1999).

International institutionalism looks at how nation states are affected by formal and informal structural constraints of international politics (for example Keohane, 1989; Peters, 1999; Kaul, Grunberg and Stern, 1999). Constructed institutionalism shows ways in which institutions create meaning for individuals (for example Hall, 1993; Campbell, 2001; 2004; Schmidt, 2002). Current literature on political institutions (for example Rhodes, Binder and Rockman, 2006) shows that this strand of institutionalism has been useful in building theory for normative institutionalism in the broader political science field. Finally, network institutionalism addresses itself to questions of how regularised informal relations between individuals/actors and groups shape political behaviour. Some of the work in this stream includes Heclo and Wildavsky's (1974) study on the importance of personal networks between politicians and technocrats in the United Kingdom Treasury department and Chisholm's (1989) work on the role informal networks play in coordinating multiple transport agencies.

New institutionalist thought has been expressed in variants of research (Hajer, 1995; Gonzalez and Healy, 2005). The significance of New Institutionalism to this thesis is the relationship between action and the practice it articulates. In this research, New Institutionalism makes it possible to explore how institutions may constrain, regulate, empower and enable the poor in poverty reduction. The social context in which poverty occurs becomes important in shaping the discourses on poverty as well as the practice and/or action taken (or not taken) in reducing poverty.

Furthermore, from a new institutionalism perspective, the notion of human agency makes it possible to visualise how the poor relate to conditions of poverty and the relations of power that sustain poverty at the local level. Obviously, such an institutionalist tenor would be faulted on account of its inherent failure to redress relations of power that sustain poverty.

Vigar *et al.* (2000:49-51) summarise the contribution of institutionalism to the analysis of planning practices thus: first, institutional approaches are founded on a dynamic relational view of the world focusing on processes of living and

change and how patterns are established, and maintained; second, institutional approaches afford networks of people active in agency in shaping processes of change; third, institutional approaches embed processes of governance in the wider relations of economic activity and civil society; finally, institutional approaches emphasise analysis of the discourses and 'taken for granted' frames of reference or representations of different communities.

2.5 Institutional Challenges in Urban Planning

According to the UN Habitat urban planning is a form of government practice that can be found in most parts of the world (UN Habitat, 2009). Urban planning is clearly practised in a variety of forms, thus its role also varies from place to place (UN Habitat, 2009:11-19). In most of the literature on planning theory, planning is understood as being a progressive, a reformist and a modernist societal project. The practice of planning on the other hand entails public policy that affects urban and regional development, zoning and land use. Planning literature also indicates that unacceptable and inhumane living conditions of the Eighteenth and Nineteenth centuries adds an overall response to the nineteenth century city as the main antecedents of planning (see for example Hall, 1988).

In the planning literature (for example Hudson, 1979; Alexander, 1986; Campbell and Marshall, 1999) six types of planning are identified. These are: synoptic or rational comprehensive planning, incrementalism, transactive, advocacy, radical planning, and communicative planning. Although there are many planning scholars who have investigated institutions and institutionalism, Healey (1990; 1997a; 1997b; 1998; 1999; 2002; 2004a; 2004b) is easily the most prolific and influential on this subject. Others include Forester (1999), Harrison (2006), Alexander (1994) and Flyvbjerg (1998). In planning, the idea of institutionalism has been applied and useful contributions have been made in heightening the understanding of normative behaviour for practice. In the remaining parts of this section, I consider the institutional challenges in each of the five streams of planning.

Synoptic planning is also known as the rational comprehensive approach. This is unarguably the most dominant approach in planning practice (Hudson, 1979; Campbell and Marshall, 1999). This approach to planning typically considers problems from a systems perspective. The use of conceptual or mathematic models in addressing planning problems is a key distinguishing feature of synoptic planning. This planning approach consists of four classical elements: goal setting, identification of policy alternatives, evaluation of means against ends, and implementation of decisions (Hudson, 1979). Synoptic planning brings to the fore tensions between professionals, especially planners and politicians. It is assumed that a rational and scientific approach to analysing any problems such as poverty is sufficient in realising planning objectives. However, with contending political institutions such as political parties, planning authorities and the state, to mention but a few, it is clear that rationality on its own cannot ensure the success of planning. In synoptic planning, the urban planner is an unwitting player in both an institutional and power contest (Forester, 1989).

Moreover, synoptic planning by its nature is a catalyst for "...respect for democratic decisions by improving the preparatory stage of decision-making and professional quality of the plans handed over to politicians" (Sager, 2005:2) and therefore is invariably hostage to the operations of political institutions and power. Furthermore, since democracy is not a universal socio-political reality, a synoptic planning approach for urban planning for poverty reduction is even more complicated. Democracy in many Sub-Saharan African cities is at varying stages. In some cases such as Kenya, even with a shift to a democratic order (Constitution of Kenya, 2010), it is yet to establish functional political institutions supportive of democracy. If planning in liberal democratic societies such as the global north with comparatively operational political institutions is stymied by power (Forester, 1989; Flyvbjerg, 1998), then the prospects for synoptic planning for urban poverty reduction in contexts with less supportive political institutions and more unequal power relations are arguably bleak. In synoptic planning, institutions from a sociological perspective are germane.

Incremental planning or incrementalism is mainly associated with the work of Lindblom (1965) on policy and decision-making, commonly referred to as the science of muddling through. The literature (for example, Hudson, 1979) shows that incremental planning was borne out of the weaknesses of synoptic planning, such as insensitivity to existing institutional performance capacities when planning. According to Lindblom's theory, the nature and extent of action is mainly decided upon incrementally (Lindblom, 1965). This seems to be the most pragmatic and widely used approach in day-to-day decision-making in planning. In this stream of planning, "...knowledge is acquired by doing and experimentation and is therefore fallible and temporary" (Campbell and Marshall, 1999:471).

In an incremental planning approach, as in the case with synoptic planning, the tensions between professionals, especially planners and politicians, remain; but these are mitigated by "... encouraging multiple and competing inputs from a broad array of groups and organisations" (Sager, 2005:2). Nonetheless, as for synoptic planning the main and powerful political institution is the state that exercises its power and authority as a consequence of power relations by competing political actors and institutions. Input from other groups and organisations, while pragmatic, does not significantly alter power relations that disadvantages the powerless. If in the synoptic planning approach the planner is a player in institutional and power contests, and it is improbable to realise a poverty reduction agenda with weak political institutions and fledgling democratic conditions, then inputs from other groups and organisations introduced by incremental planning, even while these increase acceptability of planning, they do not significantly address the underlying institutional and power architecture that sustains poverty. Therefore, it is reasonable to conclude that an incremental urban planning for poverty reduction is more likely to be politically acceptable, but less likely to be effective in addressing poverty.

Friedmann (1973) was the main proponent of transactive planning. Transactive planning sought the inclusion of people in decision-making and planning. Transactive planning is based on personal knowledge and mutual

learning. In this planning approach, participatory and decentralised planning are key hallmarks. By focusing on "...intact experiences of people's lives" (Hudson, 1979:3), transactive planning introduces citizens as a key political institution. Therefore, to be able to increase the communities' control of social processes that govern their welfare, Allen's (2003) notion of power through mobilisation, such as participatory development (for example, Chambers, 1997; 2005) and collective action (for example, Arendt, 1958; 1970) is necessary to confront unequal power relations that had hitherto kept the communities from participating in decision-making and planning. In this regard, transactive planning, unlike synoptic and incremental planning, clearly focuses on institutions from an economic perspective. But as promising as transactive planning appears for urban planning for poverty reduction, the fact that mobilisation neglects power dynamics within groups (Allen, 2003) and that power constantly shifts across time and space (Cahill, 2008), means that planners and the community need to be extremely adept at managing changing power relations in the processes of both planning and implementation.

Advocacy planning seeks to offer a planning that confronts injustice. Davidoff (1965) was the main proponent of advocacy planning. As Alexander (1986:103) notes, advocacy planning "...was a reaction to the centralist and technocratic values of planning modes which prevailed in the mid 1960s." Davidoff argued that because value-neutrality was a high planning ideal, planners needed to be committed practitioners. In this school of thought, planners need to engage in the political processes as advocates of interests, not only of governments but also of other groups because "...a plural society needs plural plans" (Davidoff, 1965:332). It is argued that advocacy planning is necessary because of unequal power and unequal access to resources. The advocate planner is therefore "...a spokesperson for the poor, neighbourhoods, or other groups with inadequate access to government" (Alexander, 1986:104). By advocating for other and sometimes even marginal interests, advocacy planning promotes competition for the 'best' alternative, thus ensuring more fairness and not simply interests of specific groups.

In advocacy planning several political institutions contend for social justice. These include the state, citizens, planners, the judiciary, and the private sector. By ensuring “that even disadvantaged and weak groups are heard in the political process” (Sager, 2005:2) advocacy planning thrusts the judiciary at the centre of power struggles. The planner in advocacy planning is both handmaiden (planner/s in the public sector), and insurgent (planner/s as an advocate for the disadvantaged such as the urban poor). Virtually all forms of power are at play in advocacy planning, but the notion of power as immanent or being everywhere as inspired by the work of Foucault (1991; 2001) and Deleuze and Guattari (1988); and governmentality (Foucault, 1991), is significant. In the case of immanence, power is organised through sophisticated webs of discourses, relationships and practices that produce some as powerful and others as less powerful. The immanence of power through discourses and practices shapes everyday life. Because the discourses and practices that maintain power relations are always being reproduced, the effects of power are dynamic and not static or stable. Invariably, advocacy planning tends to focus on institutions from a sociological perspective.

“Governmentality” is “...not only enacted by the powerful but is also dominated by subjects acting socially defined roles and identities” (Cahill, 2008:298). Allen (2003) acknowledges that processes of domination and resistance would also involve the seductive, manipulative, coercive, cooptive, and authoritative aspects of power. The production and reproduction of power in advocacy planning, Allen (2003) argues, is context-specific. While advocacy planning for poverty reduction is arguably the most appropriate for urban poverty in Sub-Saharan African cities, planners and the poor should beware of complexities and nuances of how power operates in specific places and specific times. Thus, for advocacy planning for poverty reduction to be effective it cannot be standardised across cities.

Furthermore, the judiciary’s roles as arbiter is based on constitutions and the extent to which political institutions, including the judiciary, respect the rule of law. In addition to the constitution, judicial officers such as judges and

magistrates also use condign power. Some of the important sources or instruments of condign power include personality, quality of physique, mind, speech, and moral certainty. With the above sources, then condign power "...wins submission by the ability to impose an alternative to the preferences of the individual or group that is sufficiently unpleasant or painful so that these preferences are abandoned" (Galbriath, 1983:4-5). Compensatory power is also applied in advocacy planning. According to Galbriath (1983), compensatory power is exercised by persuasion, education, and social commitment so that belief(s) may be changed. The main sources of and instruments for exercising compensatory power include property and incomes. From the above, therefore, a major implication for urban planning for poverty reduction is that in cases where the rule of law is selectively applied, advocacy planning is unlikely to be effective.

According to Hudson (1979), radical planning is comprised of two main variants of planning. The first is linked spontaneous activism. Here radical planning views issues and problems as a consequence of class conflict and question the usefulness of capitalist ideology. Hudson (1979:390) further notes that although this variant of radical planning is "...guided by an idealistic but pragmatic vision of self-reliance and mutual aid", the main distinction with other approaches to planning is the "...substantive ideas about collective actions that can achieve concrete results in the immediate future" (ibid.). The second stream of radical planning whilst focusing on the large-scale social processes is more critical and holistic. As Kravitz (1970) contends, radical planning questions the 'subservient' role conventional planning plays in sustaining conservative politics; and reluctance to confront class conflict, unfair economic relations and control exercised by culture and media.

Communicative planning is generally understood as being about how political communities organise to improve the quality of their places (Harris, 2002). In this type of planning, knowledge is recognised as socially constructed and invariably applied in both practical and scientific ways (Healey, 1993). Allmendinger and Tewdwr-Jones (2002) add that communicative planning include collective decision-making, participation of all actors (or their

representatives) affected by the planning decision and decisions in this type of planning are made through arguments by participants and to participants committed to rationality and impartiality. This type of planning emphasises the context, diverse interests of participants, and the consequences of unequal power, hence a focus on consensus building as opposed to competitive interest. Communicative planning tends to embrace economic institutions.

In the development and political science literature participation has been subject to numerous debates. In political science, participation remains significant in the promotion, nurture and development of democracy. Indeed, citizen participation is a distinctive feature of political systems where the level and quality of citizen participation is often used as an acceptable measure of the democracy. Scholars such Albaek (1995) argue that citizen participation is vitally important if policy-making is to be democratic. Wagle (2000:4) identifies a number of things that are important in citizen participation as: outcomes of policy-making are important to citizens, experts in policy-making play a facilitator role, and even though citizen participation is the ideal concept, it is difficult to implement. This is because attaining full citizen participation on every policy problem and with every actor is impractical.

In the development literature (see Cornwall, undated) debates on participation have sought the best ways to involve citizens in their development. But it is Cornwall's overall assessment of the challenges of participation in reducing poverty that is revelatory. She argues thus:

The challenge for participation over the last decades has been to open spaces for public engagement, by transforming institutions and promoting invited participation at all levels. Lessons from experience indicate that inviting 'the people' to participate as beneficiaries or consumers is not in itself enough to bring about meaningful change. The challenge for the future is both to enable those excluded by poverty and discrimination to take up opportunities extended to them for influence and control and to exercise agency through the

institutions, spaces and strategies they make and shape for themselves (Cornwall, undated: 78).

It is important to explore how theories of participation explain the different ways that citizens participate. Five main strands of theory of participation are identified.⁶ These include: the socio-economic model, social capital theory, rational model, general incentives model, and the civic voluntarism models of participation. The socio-economic model of participation postulates the relationship between social conditions of actors or stakeholders and participation in political activities. Social factors such as financial status, age and level of education attainment, it is argued in this stream of participation, predispose actors to specific forms of participation (see Parry *et al.*, 1992). The main argument in this model is that actors' socio-economic conditions, including personal status, avail them of varying political skills and resources. These differences subsequently shape their attitudes towards political participation. This conceptualisation of participation while useful has not been without criticism. Lyons and Alexandra (2000), for example, show that the relationship between achievement and political participation is not always strongly correlated.

In the social capital theory of participation the main argument is that communities with rich associational life have greater advantages over those with impoverished associational life (see Pattie *et al.*, 2000). Social capital is understood as the connectedness amongst actors or stakeholders that stands for social networks and resulting norms of reciprocity. Social capital includes civic engagement, and trust. This model posits a strong relationship between social capital and institutional performance of governments. It then follows that actors tend to participate in areas and issues where their stock of social capital is high and unlikely to be significantly eroded. This model of participation has shortfalls. It is said that this model does not take into account the influence of individual actor's motives for participation, and it also does not

⁶ This exploration of theories of participation draws on the work of Phang, C.W. and Kankanhalli, A. (2005)

consider the effect of political institutions on the participation of actors (Rubenson, 2005).

The rational model of participation conceptualises participation as a rational activity where actors seek maximum benefits at the least cost (see Green and Shapiro, 1994). Because the actors are motivated by the need to derive the greatest benefits and the least possible cost, actors then invariably participate in activities where they are likely to realise this objective. But this explanation of participation is said not to fully explain participation. For instance, Phang and Kankanhalli (2005:3) show that the decision of a single voter may not substantially affect the outcomes of an election.

Syed and Whitely (1992; 2002) in the general incentives of basic logic approach argue that without obvious incentives, actors are unlikely to participate in political activity. Thus, actors only participate in political activities that have attractive incentives. The incentives referred to here include collective, group, selective, expressive and social norms derived incentives. An increase in pension is one such incentive considered. The general incentives model of participation is shown not to fully account for socio-economic factors in its explanation of participation.

Finally, the civic voluntarism model (Verba, Schlozman and Brady, 1995) to explain participation advances the presence of wants, invitation to participate and ability to participate as the explanations for citizen participation in political activities. These factors are expressed as resources, motivation and mobilisation. Thus, more resources, motivation and mobilisation available to actors, the more likely these actors are to participate in political activity. In this thought, the inverse would also explain the limited or non-participation in political activity. Resources here refer to time, money and civic skills that actors possess. Communication and organisational abilities are the civic skills indispensable in participating in political activities. Interest in politics and sense of belonging or group identity refer to motivation and mobilisation respectively. However, the civic voluntarism model is said to suffer similar shortfalls as the socio-economic model of participation.

From the above, participation of citizens is a key feature of successful accountability. Here the concept of participation is important in terms of the kind of space the institutional and policy frameworks allow for citizens, particularly the poor. The relevant inquiry in this respect is then: are citizens/the poor given a direct role to participate in decision-making or are citizens only offered consultation? The other question to be addressed relates to how actors, especially the poor, participate within the institutional context of urban planning for poverty reduction. But the five models of participation are useful in showing that the idea of participation is both complex and problematic to study.

Furthermore, in conceptualising public or citizen participation, the idea of actor or stakeholder is indispensable. Literally speaking, anyone with a stake is a considered a stakeholder. But in this thesis, I adopt the understanding of a stakeholder mainly as promoted by the World Bank:

A stakeholder is any person, group or institution that has an interest in an activity, project or program. This includes intended beneficiaries, and intermediaries, those positively affected, and those involved and/or those who are generally excluded from the decision-making process (Mekong River Commission, undated: 2).

The above understanding of a stakeholder is particularly useful in urban planning for poverty reduction because this captures the various categories of the poor who are often excluded in decision-making on matters that affect them. In institutionalism, it is thus that the relationship between stakeholders and decisions made about programmes, projects or activities that make participation important. Moreover, in deploying the idea of stakeholder, a more comprehensive conceptualisation of actors is possible. Following the World Bank's perspective, participation is a process through which key stakeholders gain influence and take part in decision-making in the planning, implementation, monitoring and evaluation of programmes and projects (ibid.).

In his analysis of institutions and accountability, Ackerman (2004:7) notes: “the only way to guarantee good government is by institutionalising a power accountability that holds every public official responsible for his/her actions as a public servant.” If we take the exclusion of the poor in poverty reduction as a given framework condition, then participation should be a process that addresses inequality, injustice and powerlessness that institutionalises the exclusion of the poor. To this end, Arnstein’s (1969) idea of participation becomes very useful. She defines participation as the redistribution of power that enables the powerless citizens, excluded from the political and economic processes, to be included in the future (Arnstein, 1969). In this view, through participation citizens can induce social reform and share in the benefits of the affluent in society.

To assess participation and understand how the institutional and policy frameworks for urban planning and poverty reduction enable and/or constrain such participation, I adopt Arnstein’s (1969:217) eight-step ladder of citizen participation. This ladder is comprised of three types of participation: non-participation, tokenism and citizen power respectively. The first two steps are manipulation; therapy-form non-participation. The next three steps; informing, consultation and placation follow this; then the final three steps of partnership, delegating power and, finally, citizen control which form tokenism and types of citizen power respectively. In the eight-steps, Arnstein (1969) shows that the participation trajectory ranges from simple non participation or exclusion to exercising power or influence to ultimately significantly controlling the decision-making process. A justifiable criticism of Arnstein (1969) is the difference in contexts – Arnstein analyses citizen participation in the United States and this thesis investigates the challenges of planning particularly citizen participation in a sub-Saharan and Kenyan context. Since participation is only one of the parameters that will be used in the analysis, the contextual differences are not likely to be accentuated.

2.6 Towards a Framework for Analysing Institutional Challenges

The institutional environment for urban planning for poverty reduction can be visualised in six main ways that either constrain or enable/facilitate situations that affect poverty reduction at a city level. These include: the Constitution, the national planning framework, the legal framework for planning and poverty reduction, national policies for poverty reduction, the way the city is organised, and plans, including plans for poverty reduction in a city. The link between institutions and urban planning can be seen in two main ways. The first way is how a type of planning comes into existence and how this develops over time and how institutions also influence this. For instance, the creation of Environmental Impact Assessments/Auditors and the formulation of the Environmental Management Plans have followed the enunciation of laws and policies in several African countries. Once established, environmental planning has in turn influenced the development of the relevant institutional frameworks.

The second way in which institutions affect urban planning is seen in how established types of planning, here following on the example of environmental planning, represent a set of norms and behaviour that persists because these are valued and accepted as useful. Thus, a once-off response to an environmental problem would not constitute environmental planning. Similarly, in terms of poverty reduction a once-off intervention to poverty in an urban area would not necessarily be urban planning for poverty reduction. Instead, urban planning for poverty reduction is conceptualised as a practice that comes into existence by way of changes in legal frameworks, policies and regulations; how the political institutions together with the above frameworks shape the development of the practice and, finally, how the established practice in turn represents sets of norms and behaviour valued as useful in reducing poverty. Here the processes of urban planning for poverty reduction are both concomitant to one another and also occur simultaneously.

Chang (2006) highlights key challenges that must be borne in mind whilst studying institutions. He posits that because there is no agreement on the notion of institutions, there is also no agreement on the relationship between institutions and economic development:

The problem is that there are many different ways and levels of abstraction in which the conceptual 'pie' may be cut. ... Moreover, even if we can agree on the list of functions that are essential for economic development, this does not mean we can agree on the exact kinds and forms of institutions that we need in order to fulfil those functions (Chang, 2006:2).

Although Chang's (2006) paper is about institutions and economic development, the definitional problem is true in the case of institutions and urban planning and poverty reduction. The World Bank (2001) argues that in making state institutions work better for the poor, removal of social barriers and supporting poor people's organisations were critical in making economic growth more equitable, consequently reducing poverty. This position also espoused other equally influential actors such as the IMF and other IFIs that have shaped the global and national responses to poverty reduction. However, Fukuyama's (2007) conclusion on political institutions and development is instructive when thinking about the usefulness of institutions in poverty reduction. He observes that:

First, there is no such thing as an optimal political institution or universally valid design criteria. [...] Second, institutions often come as complex, interdependent packages. Thus it often is not possible to achieve one particular outcome without adjusting several dimensions of institutional design simultaneously. [...] Third, good institutions are heavily dependent on local context, traditions, habits and political culture. People without this local knowledge often do not understand how even existing institutions actually work, much less how to reform them. [...] Fourth, we need to invest more in regional or areas studies, which focus on local knowledge. Large cross-country regressions

which to uncover general causal relationships are much less useful at this point. [...] Fifth, leadership matters. While this reduces the ability to predict behavior or influence outcomes, it is a fact of political life. (Fukuyama, 2007:38-39).

Sager and Ravlum (2005) consider the relationships between context and action, and the approach to social change. Exploring why politicians act differently from expected behaviour, Sager and Ravlum (2005) use evidence from scientific reports submitted by planners to a Parliamentary committee on transport in Norway. From an institutional perspective, Sager and Ravlum (2005) contribute to understanding how institutions shape action and ultimately behaviour even with scientific inputs. The five questions explored are useful in appreciating the role of institutions in decision-making. These questions included: why do politicians not always take into consideration expert inputs in their decisions? Why is public policy not always scientifically-based? Why is there so little decision-oriented use of the results of analytic planning models? Why do elected politicians demand more analytic planning models only to ignore them? And why do planners produce policy-making inputs but Parliamentarians do not find these useful? Sager and Ravlum (2005) are useful in understanding why politicians may not implement planning proposals for poverty reduction. Some of the propositions from Sager and Ravlum (2005) will be considered in analysing politicians' action and behaviour in the City of Nairobi to poverty reduction.

To conceptualise how institutions empower or constrain actors, and inhibit or enhance their capacity to act in accordance with the consistently prescriptive rules of 'appropriateness, three ideas are adopted from the wide literature on institutionalism as entry points. These are accountability, answerability, and participation. I also draw on a variety of notions of power to determine the power structure of the political system, and how power shapes the relationships between institutions, citizens and planners and other professionals. Together, these are used to operationally assess and analyse to a large extent the level to which institutions for planning for poverty reduction in Kenya enhance and/or undermine poverty reduction in urban

Kenya. The policies for poverty reduction are also analysed/measured in terms of their appropriateness and adequacy for poverty reduction in urban Kenya.

2.6.1 Accountability and Answerability

The idea of accountability has been widely explored in the governance literature (Goetz and Jenkins, 2002, 2004, 2005 and 2006; Ackerman, 2004; Kamath, 2006). Some of the definitions of accountability have included: 'the means by which individuals and organisations recognise authority and are held responsible' (Edwards and Hulme, 1996: 967); 'the process of holding actors responsible for actions' (Fox and Brown, 1998:12); and 'the capacity to demand someone engage in reason-giving to justify behaviour or the capacity to impose a penalty for poor performance' (Goetz and Jenkins, 2002:5). From the definitions of accountability provided, accountability is important in constraining action and behaviour of actors through control, sanctions and demands for justification. In urban planning for poverty reduction, accountability can be applied to the following relations: between the citizens, particularly the poor and elected politicians and policy makers; between technocrats including planners and the citizens/poor; and between citizens/poor, politicians, policy makers and the technocrats. Goetz and Jenkins (2005) argue that within institutions entitlements are decided, resources allocated and markets regulated. Thus exclusion of individuals and their interests operating within a political arena can be conceptualised in institutions.

The literature shows that the concept of accountability has two dimensions (Goetz and Jenkins, 2005; Schedler, 1999). Answerability is the first dimension. This refers to the obligation of state officials to answer or give an account for action or behaviour. This could be to citizens, or in the case of urban planning for poverty reduction, to the poor directly or to some representative body, such as parliament. The accounting or giving of an account must be as a matter of obligation, not discretion, and it must be to a public forum or public record that is accessible to all, not the privilege of a few.

The second dimension of accountability is sanction or enforcement. There must be provision for some consequence flowing from the failure to give account or failure to discharge a public function, preferably accompanied by remedies for those negatively affected by such failure. Thus, the institutional channels for urban planning for poverty reduction to be analysed will have met the ideal of accountability if both answerability and sanction are present.

The other important aspect of accountability is the idea of responsiveness. Compared to answerability, this is a relatively weaker concept. It refers simply to a sense of moral obligation on the part of a public official to take into consideration the preferences of the citizens in making a decision (Goetz and Jenkins, 2005:12-13). In the case of urban planning for poverty reduction, public officials such as planners, policy makers and even politicians would be expected to take into consideration the preferences of the citizens in general and the poor in particular when addressing poverty. Responsiveness has been defined as a “desired attitude of power-holders towards citizens: to be responsive to the concerns and problems of ordinary people, to listen with impartiality and fairness to divergent views...”(ibid.). Although responsiveness is a weak moral obligation rather than a legal obligation, it does not render this concept unproductive. When responsiveness becomes routinised or a norm and is less of an isolated personal attitude it does have potential to shape institutional culture and deliver something akin to accountability. However, in the absence of a defined framework mandating it, sustainability of responsiveness institutionalising is doubtful.

2.7 Conclusions

Since the relationship between urban planning for poverty reduction and political institutions has not been explored in any depth, a new framework for analysing the institutional challenges for such urban planning was justifiable. I have brought together theoretical insights from institutionalism and power to build a conceptual framework to examine the different ways in which political institutions constrain and/or enable urban planning processes for poverty

reduction. I have argued that to understand the institutional challenges of urban planning for poverty reduction the relationships between political institutions, citizens — especially the poor —and planners are more important than an instrumental notion of urban planning for poverty reduction.

“Poverty and poverty reduction”, “urban planning”, and “institutions” are the main concepts that frame the study. But these are singly and collectively influenced by power. In the manner of Alexander (1986:26), it is postulated that urban planning for poverty reduction is dependent on political institutions. Despite the role power plays in each of the main concepts, power is also conceptualised as an intervening variable that shapes the relationship between urban planning for poverty reduction and the institutional/policy frame, the dependent and independent variables respectively. Having provided this framework, the next chapter considers how the growth of political institutions has shaped urban planning for poverty reduction in Kenya.

CHAPTER THREE: THE NURTURING OF POLITICAL INSTITUTIONS IN KENYA, 1920-1990

3.1 Introduction

This chapter presents an overview of the development of political institutions and how this has affected the current institutional framework for urban planning in poverty reduction in Kenya. This chapter reflects that the growth and development of political institutions in Kenya has invariably been remarkably hostile to urban planning for poverty reduction. The discussions here are guided by four key questions: What have been the main changes in the institutional framework for urban planning in poverty reduction? In which ways has power affected accountability and participation in these institutional changes? How has poverty been addressed throughout the changes in the institutional framework? And, how does power affect the institutional frameworks for urban planning in poverty reduction?

To answer the above questions, the discussions are organised in three main epochs. The discussions start with the period of the difficult formation of the Kenya Republic. This reviews key political developments from the 1920s to the early 1960s that led to the birth of the Kenyan state. The 1920s are significant in the history of the Kenya Republic because these mark the birth of the country as a Colony and Protectorate of British East Africa. Further, the 1919 Ordinance of the Legislative Council (LEGCO) allowed participation and representation of the then recognised Kenyans – the White settler population. Later, at independence, Kenya gave rise to the notorious institution of the imperial presidency. This section is followed by discussions of the growth and development of political institutions during the decade of 1966–1976, the fleeting golden era. This period is also important in two main ways: the rise of the imperial presidency is synonymous with the growing abuse of power, and the systematic atrophy of political institutions. The discussion of the treacherous developments begins from the late 1970s to 1990; the virtual destruction of institutions follows. The Chapter ends with a conclusion that explores the implications of the peripatetic trajectory of the growth and development of political institutions on urban planning for poverty reduction.

3.2 The Difficult Birth of the Kenyan Republic: 1920s - 1966

The Constitution of Kenya Review Commission (2005) and other research on constitutional development in Kenya (Kindiki, 2007; Bannon, 2007; Kibwana, 1999; Kituo Cha Katiba, 1999) trace the origins of the constitution to the 1887 agreement between the British and the Sultan of Zanzibar for a fifty-year lease over the coastal strip. Sir William MacKinnon as the inaugural Administrator represented the British Empire. But within the first six years, the arrangement with the Sultan for control of the coastal strip territory changed from British Suzerainty to the British East Africa Protectorate (BEAP). In July 1895, the British government granted a charter to the Imperial British East Africa Company (IBEAC) to operate and manage the coastal strip and sections of the hinterland, as a private company.

As a result of this, there were also changes of Administrators. After MacKinnon, Mackenzie, de Winton, Matthews and Portal respectively acted as surrogate Administrators of the British Suzerainty. Arthur Henry Harding was the Administrator when the IBEAC started its operations as a company. This was a tumultuous period (Hornsby, 2012). Land belonging to indigenous Kenyans such as the Maasai, Kikuyu, and others was alienated for white settlers through immanence and governmentality. During this period, a major infrastructure project – the Uganda Railway which is routed from Mombasa on the East African coast to Kisumu on Lake Victoria was launched with the purpose of further opening up of the East African hinterland for colonial economies.

Thereupon, in December 1901, on reaching Kisumu, the Uganda railway was completed. With the completion of the railway, the white settler population and Indian community embarked on commerce and farming. For Sir Charles Eliot who was a Commissioner for the BEAP, this marked a significant milestone for Britain. Other trading communities such as the Arabs also settled in key towns of Kenya from Mombasa through to Kisumu. Eight years after the formation of the BEAP, in addition to the Administrator and the IBEAC, another important political institution formed.

Consequently, in 1906 when Sir James Sadler was Governor, the Legislative Council (LEGCO) was established (Hornsby, 2012: 30). The main purpose of the LEGCO was to enhance citizen participation in the governance of the Protectorate as well as law-making. Records of the Parliament show that the main and lingering contention was representation and taxation (ibid.). Instructively, these were contentions between the white settler population and Consular-General for East Africa/Colonial office. The indigenous people could not vote or even participate in decision-making. Even if participation was to be equated with representation and subsequent involvement in decision-making, it was still problematic. Records of Parliament show that the Governor made all nominations to the all whites LEGCO.

Literature and archival records of this period do not show that there was any poverty in the white settler population. But there was poverty mainly amongst the local indigenous population that was not prioritised in the LEGCO. Because the Protectorate government exempted and did not recognise the indigenous African population, participation and accountability for all were clearly not recognised as important values. By encouraging representation via nomination by the powerful state or colonial government and the Governor, other alternatives of representation and participation for the excluded majority of the indigenous African population were rendered inactive.

Thus, the excluded indigenous African population was effectively silenced and also wielded less power compared to the white settler population and the colonial government. Moreover, focusing on the non-poor also made endeavours such as poverty reduction unattainable or even not worth considering by the LEGCO. Hence it can be justifiably argued, that as key political institutions were being established in the Protectorate, the foundations for an institutional framework that neither recognised the poor nor provided for their participation in decision-making were also firmly laid through condign power.

A centralised system of government with a powerful executive with the Governor at the helm was established. This powerful system of government

was essential for both containing an increasingly restive indigenous population and an equally restless white settler population that also wanted independence from the British colonial authority (Rosberg and Nottingham, 1966; Atieno Odhiambo, 1981). This was to continue until July 1919 when Sir Edward Northey was appointed as Governor. A year later in 1920, Sir Edward Northey was to preside over the birth of the Kenya Colony and Protectorate.

3.2.1 The Rise of the Colony: 1920 –early 1950s

To respond to the growing tensions between the indigenous Kenyan population and white settler demands for an independent territory, the 1922 Constitution was promulgated as a framework that would guide the governance and development of the colony (ibid.). The 1922 Constitution is significant in Kenya's history because it was also the first constitution. As mentioned earlier, the LEGCO comprised of whites only that represented the white settler interests in the colony. As commerce thrived in the colony, the population of white settlers, Indians and Arabs – communities that participated in the booming commerce - changed and the representation and governance of the colony became inevitable.

With the LEGCO (Amendment) Ordinance of 1924 that created the provision to elect additional members – five Indian members and one Arab member to represent the Indian and Arab communities respectively - the Crown Secretary of State effected key changes in the LEGCO. Whilst the Indians and Arab representatives were to be elected by electorates of their communities, a white clergyman, Rev J.W. Arthur, was nominated by the Governor to represent African interests in the LEGCO.

Having succeeded in establishing the British Suzerainty, then the British Protectorate, and finally the colony, the whites and by extension the British colonial government, were powerful and the black Africans held less power. More importantly, the governance system outlined above through the LEGCO further demonstrated where the power lay. In terms of participation, this was

done only at the invitation and the pleasure of the whites. Therefore, from the perspective of power as decision-making (Dahl, 1957; 1961), the exclusion of the blacks almost ensured that their interests such as dispossession and the ensuing poverty would never be considered, let alone be addressed. Moreover, the imposition of white supremacy through colonialism clearly demonstrates Galbraith's (1983:2) notion of power as the possibility of imposing one's will upon the behaviour of other persons. Given the domination of the whites and exclusion of the blacks during this period, it is not surprising that urban planning did not address poverty, as that was never a priority for the whites.

As if to acknowledge the 'disenfranchisement' of the indigenous Africans, the colonial government, through the Local Native Council Ordinance, established Native Councils in the African enclaves then designated as reserves. But there was a growing disheartening disquiet within the Indian community who protested the proposed voters roll. It was not until after ten years in 1934 that the elected Indian members joined the LEGCO. In the same year the Rev L.J. Beecher was also nominated to increase the representation of African interests in the LEGCO.

A second Arab member joining the LEGCO as an elected member also closely followed the nomination of the Rev Beecher. By the late 1930s and early 1940s the LEGCO had transformed from an all white settler institution to one that comprised of elected and nominated whites, elected Indians and Arabs, and two white clergymen who were trustees of African interests. When the Rev J.W. Arthur retired in October 1944, the Governor, Sir Philip Euen Mitchell, nominated an African, Mr Eliud Wambu Mathu to the LEGCO (National Assembly, Kituo Cha Katiba, 1999; Constitution of Kenya Review Commission (CKRC, 2005).

The nomination of the Eliud Mathu was important in at least two main ways. First, it was an oblique recognition of the need for Africans to be seen as participating in the decision-making. Second, the nomination also confirmed the continued weakness of the pre-independence model of participation and

accountability. In terms of urban planning, Kingoriah (1980) and Kiamba, (1986) show that planning studies by Feetham and others in the 1920s highlighted the need to address poverty. By the early 1940s, the planning initiatives of the 1920s were clearly inadequate even for the white settler community. Although the earlier planning initiatives did not directly address themselves to poverty, an important effect of these studies and their implementation was the dramatic creation of the poor through a dispossession of their properties and lands.

The African population that previously owned land and engaged in agricultural production in areas covered by Nairobi, with the creation of borders were immediately dispossessed, their movement restricted and they had to rely on 'illegal' employment in Nairobi. During the administration of Sir Philip Euen Mitchell as the Governor, a team of South African Consultant Town Planners led by Thornton-White was tasked with preparing the Master Plan. The *Nairobi: Master Plan for a Colonial Capital*, commonly known as the 1948 Master Plan, was prepared with a twenty-five year horizon.

The 1948 Master Plan

As this Master Plan claims, Kenya arguably “made town planning history by experimenting with a team of three planners” (Thornton-White *et al.*, 1948: 1). This team comprised: Thornton-White, an Architect Planner and leading academic at the University of Cape Town; Anderson, a Senior Town Planning Engineer in private practice; and Silberman, then a leading sociologist at the University of the Witwatersrand on various social problems of colonial Africa. With such a diverse and inter-disciplinary team, their analysis of the “Nairobi Problem” was undoubtedly expected to be much sharper. As it turned out, this team missed important connections between Nairobi and its fringes.

Naturally, even when this team recognised the multi-racial composition of the residents/citizens of Nairobi, its vision for Nairobi remained alien and European colonial. Their analyses of the “Nairobi Problem” (Thornton-White *et al.*, 1948: 3) espoused a cautious ambivalence about the real needs and challenges facing these people and instead argued for breaking down the

municipality to cater for the more divergent and complex interests. Breaking down in the context of the Master Plan meant maintaining the racial divide and responding to needs of these different peoples in designated spaces.

Of course, it is also apparent that what was known as planning at the time greatly influenced and shaped how the colonial government approached the planning for Nairobi. Reservations of the colonial planning system notwithstanding, an appropriate understanding of what the Master Plan broadly required was presented. Their analysis of the “Nairobi Problem” was two-fold. First, that Nairobi was faced with numerous challenges:

Nairobi with over 100,000 inhabitants is the largest town in East Africa. It is the capital of Kenya, but is also serves as headquarters to a number of East African institutions. Its hinterland is the area of European farming settlement as well as some densely inhabited African reserves. Its inhabitants are engaged in government services, in commerce, in industry, in the armed forces, in domestic service and in those mutual services which are effectively summarised as “taking in one another’s washing (ibid. 2).

The planning problem in their view was also about nurturing industrialisation. They argued that if Nairobi was to prosper, general industry was of absolute necessity to be encouraged. They claimed; “a layout that will satisfy both the municipality and the railway has to be evolved” (ibid. 2); providing for the physical expansion of Nairobi and related political challenges; mediating multi-cultural and racial needs; ensuring sufficient space for the growing population; retaining the aesthetic character of Nairobi; and providing for transportation and a road plan (Thornton-White *et al.*, 1948: 2-4).

Second, they argued that even though the “Nairobi Problem” was indeed multifaceted, it was “...simplified by the absence of a number of difficulties so often met in European towns” (ibid.:4). In their view, intricate slum clearance was one of those difficulties that would have complicated the implementation of the Master Plan. Although the analysis and eventual focus on a zoning plan

was justified, the growing poverty of the African population was not acknowledged. Whilst the European settlers' population in Nairobi at the time was generally wealthy, the same was not true for the Black Kenyan population that served the economic interests of the city. The crypto-apartheid planning approaches of zoning and the attendant creation of African or native reserves formed the cradle of the dispossessed, contained and increasingly poor Africans whose controlled entry to Nairobi was strictly enforced. Yet this part of the population, in addition to the restricted African population in Nairobi, played an important part in the life and growth of the city.

Although the Thornton-White team and the Master Plan in general were concerned about the growing population and the need to provide adequate space for the city, they were completely oblivious to the increasingly marginalised people, their living conditions in Nairobi and in the African reserves and the long-term impacts thereof on Nairobi. The view that by providing zoning plans, considering the industrial, residential, communications and transportation development (generally read as economic development) Nairobi arguably responded to poverty, was doubtful. Without evidence to support these views, such arguments would justifiably be viewed as a specious campaign for colonial interests and segregation/discrimination against the indigenous population. The construction of Nairobi's planning problem during the colonial era as seen in the 1948 Master Plan then showed that, as an outcome of discrimination, planning was as an important tool in the creation, growth and sustenance of poverty and the poor in Nairobi.

It was instructive that the poor were acknowledged for the first time in the conceptualisation of urban planning in Africa in passing by the planning team. It is useful to note that the word 'poor' only appears seven times in the 1948 plan. Some of the instances include:

As the poor have in the past not been represented on the councils and are not able to influence non-native election figures, progressive taxation has tardily been applied. ... As soon as there are rich and poor, intellectual and lowbrow, professionally trained and unskilled, as

recognisable types in every race, with inter-racial organisations, each pressing for bigger slices of the cake, multiracial society is normalised (ibid.: 10).

The number of times that the words 'poor' and 'poverty' appear in the plan may not at once appear significant, but given the growth of the number of poor during the colonial period, such an omission in the plan was significant. Moreover, even when these appeared in the plan, it was not because they were the direct foci of the plan but rather a peripheral matter. 'Poverty' as a word is mentioned only once: "Some omissions in the provisions of health services indicate the relative poverty of even so advanced a city of Colonial Africa as Nairobi" (ibid.: 32). Only twice is the word 'poor' used in reference to the poor and specifically the Black African population.

From the information on the poor and poverty in the Master Plan, some portraits of the poor and of poverty emerge. First, the poor were mainly understood to be Africans with marginal wages; mainly in the countryside. The poor were also not represented on the council and as a result were without power to influence any changes in their lives. Thornton-White *et al.* highlighted the circumstances of the poor and identified what and where they were; yet they made no suggestions to address their plight in the Master Plan. Examples are when the planning team infers to the poor when they highlight the declining housing conditions (ibid.) but do not follow with concrete proposals to address the problem.

While the poor were, by inference, correctly identified as without adequate housing, there was also a weak attempt to show that this problem was ameliorating. Nonetheless, evidence to support these claims was never provided for from Africa or even Nairobi at the time. Furthermore, evidence from countries such as South Africa with similar planning challenges (Harrison, Todes and Watson, 2007) does not seem to support the Thornton-White *et al.* view. There was also an attempt to show that the poor and poverty were an interracial phenomenon as "recognisable types in every race" (Thornton-White *et al.*, 1948:10). Again, as in the case of improvements in

housing, there was no evidence of the same or an analysis showing the prevalence of poverty within the different races. Thus, I contend that such presentations of the poor and poverty were not helpful in addressing poverty, especially amongst the dispossessed Black African Kenyans.

Finally, despite their contradictions with respect to the poor and poverty, Thornton-White and his team provided useful insight on the role of institutions. By showing that the African was not represented in the planning team (Thornton-White, 1948:10), it implicitly acknowledged the nexus between institutions and policy for poverty reduction, particularly amongst the poorly represented Africans. Simply put, this meant that without supportive institutions it was impossible to address poverty. However, their conceptualisation of institutions was in the deliberative sense where through representation and debate and in the council issues like poverty would be addressed. But there was no evidence to show that poverty was ever addressed in the debate.

At the time of publishing the Master Plan, Councillor F.J. Khamisi was the only African on the Council (*ibid.*: vi-vii). It is possible that in 1948 the non-Black councillors also represented the Black Africans, but this is improbable. At the national level, representation in the LEGCO was not any different. The LEGCO then comprised of four Africans, sixteen government members, eleven white members, five Asian members, and two Arab members. Even with the increased representation, because the colonial government, by sheer number of actors who dominated decision-making, it was highly unlikely that the interests of the excluded black African population was addressed in the LEGCO or in the City of Nairobi. The above was a typical illustration of the use of conditioned power.

3.2.2 Confronting the Colonial Powers: 1952–1963

James Griffith's, the Secretary of State for the colony, came up with new proposals to increase the membership of the LEGCO as the main development in the constitution at this time (Mboya, 1963; Odinga, 1967; Hornsby, 2012). These proposals were implemented in 1952 and resulted in the increase of the number of members. Even with the implementation of the changes, with twenty-eight unofficial members compared to the twenty-six official members, the government dominated the LEGCO. Two years later, in 1954, the Lyttelton Constitution replaced the 1922 constitution. Sir Evelyn Baring, the then Governor, was responsible for implementing these changes. Of the fifty-four members of the LEGCO, the Governor nominated all six Africans, and the Governor also elected the six Asians and one Arab. The other changes included a Council of Ministers that replaced the Executive Committee. The Council of Ministers like its predecessor was comprised of twelve persons. While B.A. Ohanga as the only Minister replaced Mathu, the other unofficial members of the LEGCO who were ministers included three whites and two Asians. The remaining eight ministers included six civil servants and two nominated members who were all white. The nomination of Black Africans in the LEGCO and the City of Nairobi was a clear use of compensatory power (Galbriath, 1983:4-6). By offering these nominated representatives allowances and other privileges, the representatives continued to legitimise these institutions.

During the early 1950s the colonial administration embarked on a national planning project. Since the colonial economy was mainly based on agriculture to produce inputs for the industries in Britain, this responsibility was undertaken by the Department of Agriculture. Hence the 1953 Colonial *Plan to Intensify the Development of African Agriculture in Kenya* was prepared by the then Assistant Director of Agriculture, R.J.M. Swynnerton, thus its popular reference as the *Swynnerton Plan*. I shall discuss this plan presently.

The Swynnerton Plan

Poverty – nationally - was mainly understood in terms of individual traits. The poor in this respect were the native African farmers, mainly drawn from the high agricultural potential areas like Central Kenya and Western Kenya and not the White settlers (Society for International Development, 2004). Furthermore, the poor would also be seen in terms of Africans that lived off marginal lands in the “Northern Province” (Swynnerton, 1953:8) with small parcels of land; people living in “the semi-arid pastoral areas” (ibid.: 9).

Swynnerton further provided instructive indicators of the poor in colonial Kenya as: unemployed “Kikuyu repatriates” (ibid.: i); and unproductive African farmers on the “African lands” (ibid.: 1). As a result, even with an ambivalent notion of poverty espoused by the colonial government, it is reasonable to conclude that poverty was at the heart of this plan. Surprisingly, however, despite their (poverty and the poor) centrality they were not directly addressed. Swynnerton proposed a number of strategies that would have debilitating effects on the poor in the sense that these strategies enhanced the regulation and control of the poor in specific spaces such as the so-called Reserves.

As the Hon. Cavendish-Bentinck, the Colonial Minister for Agriculture and Natural Resources said, the plan was motivated by the twin objectives of increasing agricultural production and providing some livelihoods for the displaced African native populations (Swynnerton, 1953: i). The *Swynnerton Plan* also established the 5-year planning cycle that has since largely characterised planning at the national level. Improvement of agriculture was pursued by supporting the progressive relatively large scale native African and white settlers’ agricultural industries (ibid.: 8).

Although the *Swynnerton Plan* acknowledged poverty obliquely, poverty and the poor were addressed in three main forms: broad policy pronouncement; provision of skills/knowledge; and cash crop development regulation. The plan outlined policy directions, including maintaining the tribal system of tenure, preventing the African from borrowing money against the security of his land,

providing the African farmer with an increased agricultural and veterinary service, and charging an annual rent on all land on which a right of occupancy has been taken out (ibid.: 10).

In addition, by focusing on the African in the high potential areas who were privileged farmers, however justifiable, the plan inevitably discriminated against the poor. Yet even among the Africans in the high potential areas, a sound land tenure system was not feasible as these Africans had lost their land to the conquering and colonising white settler community. Imposing ownership criteria such as land titles issued by the Crown government meant that the proposed policy was not only highly unjust, but also unlikely to be effective in addressing the poor and poverty in these areas because the implementation aggravated the inequalities in the population. Cash crop development regulation was another important proposal that was to address the plight of the poor and poverty. Like the policy on land, it seemed attractive and beneficial (ibid.: 14).

On the surface, the strategies and policies in the plan were arguably sound. Yet, without addressing the issues of dispossession that accompanied the establishment of the colony of Kenya, it would be difficult to argue that with successful agricultural production poverty would decrease. Considering the effectiveness of the plan with respect to the poor, poverty and poverty reduction would also present serious conceptual difficulties, since the notion of colony and colonisation failed to address equity, justice and fairness across all races. It would, however, be possible to argue that the *Swynnerton Plan* addressed the poor, poverty and poverty reduction within the privileged white settler class and to some extent among the privileged Africans. But with the attention on the rich African and landed farmers, such arguments were clearly strenuous.

Focusing on specific regions like Central Kenya and specific groups such as the rich farmers were important features of the *Swynnerton Plan*. Regrettably this practice of privileging some areas over the rest of the country persists in planning even today. The Society for International Development (2004)

argued that the plan exacerbated inequality and poverty. In laying the foundations for inequality and the operations of power by excluding some from the plan, the *Swynnerton Plan* was also an important building block for subsequent plans in independent Kenya. This plan was also significant for its silence on poverty. The omission would suggest at least two of several things: that poverty did not exist in Kenya in the 1950s or if it did then it was not important for this plan. On the contrary, poverty existed (see for example Leys, 1926; Leakey, 1952; Corfield, 1960; Elkins, 2005). Foucault (1991) argues that power is constituted through discourse. Since poverty is not mentioned in the *Swynnerton Plan*, it then can be concluded that this specific knowledge of poverty did not count as important, thus its absence in the plan.

How then could this plan seek to improve the economy of the African farmer whilst at the same time ignoring thousands of Africans that had been dispossessed of their land and rendered poor because they had to create space for the settler white and some privileged African farmers? Of course, it is also plausible to argue that since the strategies of this plan were: to provide loans to the poor African farmers using large-scale production reform of African customary land tenure to allow large scale economic farms, the *Swynnerton Plan* implicitly addressed poverty reduction. Such arguments, on the contrary, only confirmed the urgency for reforming agriculture and not necessarily poverty reduction. Since discourses transmit messages of norms and what should not be seen as norms, in the planning discourses of 1950s, as exemplified by the *Swynnerton Plan*, poverty *per se* was not a norm and thus did not need any attention.

3.2.3 Towards the Dawn of Independence

After the publication of the *Swynnerton Plan* a government survey confirmed that the indigenous African population was increasingly restless because the colonial administration nominated their representatives for them (Kirui and Murkomen, 2011). In response to the results of the survey, in 1955 Sir Evelyn Baring appointed Mr. W.F. Coutts to lead a Commission of Inquiry to

establish ways by which the indigenous Africans could elect their representatives. Subsequently, an amendment was made to the Legislative Council (Amendment) Ordinance, 1924 to provide for the election of eight African representative Members (Mboya, 1963). In March 1957, the first election of African representatives to the LEGCO was held; but this was for a paltry eight electoral areas (ibid.; Odinga, 1967).

The election of the African members to the LEGCO did not resolve the disquiet among the African population (Mboya, 1963; Odinga, 1967; Kirui and Murkomen, 2011). The members-elect declined offices in the government. Sir Evelyn Baring was clearly overwhelmed as the European and Asian ministers resigned their positions as ministers. In late 1957, the Secretary of State for the Colonies, Lennox Boyd, intervened (Mboya, 1963; Odinga, 1967). His intervention resulted in the changes to the 1954 constitution to what is popularly known as 1958 Lennox Boyd Constitution (ibid.). The main changes included: increases of African ministers from one to two; increasing African members in the LEGCO from six to fourteen; and forming a twelve member electoral college specially chosen by the LEGCO but comprising of four members each from the white settlers, Asians, and Africans (Kituo Cha Katiba, 1999). Unsurprisingly, the Lennox Boyd Constitution did not address the African population as the contentious issues around representation and participation were not taken into account.

In 1959, the African members led by Messrs. Jaramogi Oginga Odinga and Thomas Joseph Mboya as president and secretary, respectively formed an informal political movement, the Kenya Independence Movement to respond to the growing disenfranchisement and powerlessness of the African population (Mboya, 1963; Odinga, 1967). Analysis of the Lytletton and Lennox Boyd constitutions, and literature on constitutional development in Kenya (for example CKRC, 2005; Kibwana, 1999; Mulisa, 2009) shows that in the sixty-one years of colonial rule, the courts, the Legislative Council (LEGCO), and the laws were used to minimise to the barest minimum the power of the Africans. The renowned constitutional scholar, Okoth-Ogendo has argued,

“...constitutions from Westminster were almost exclusively concerned with state institutions, power distribution and limitation” (Okoth-Ogendo, 1971:9).

The developments in Kenya were not dissimilar to other liberation and resistance struggles against colonialism in Africa. In 1960, the British Prime Minister, Sir H. Macmillan, acknowledged the inevitability of independence in the colonies, including Kenya in the famous “wind of change is blowing” speech (Mboya, 1963; Odinga, 1967). To deal with the demands for independence by the African members, under the guise of mapping a future for constitutional development in Kenya, Ian Macleod, the Secretary for the Colonies, convened the first Lancaster House Constitutional Conference in January 1960 (ibid.).

Albeit, in 1960, political parties organised by Africans were allowed to operate. The Kenya African Democratic Union (KADU) and the Kenya African National Union (KANU) were launched (Mboya, 1963; Odinga, 1967; Anderson, 2005; Branch and Cheeseman, 2006). These quickly became the main vehicles for seeking increased participation of Africans in decision-making and representation. It was through these two parties that more Africans were elected to the LEGCO and Africans participated – using mobilisation of power - in the constitutional conferences held at the Lancaster House in London (1960, 1962, and 1963) and in Nairobi (1963). By the time of full independence in December 1963, the executive, judiciary and legislature were established as key political institutions.

3.2.4 The Rise of the Independent Republic

As a newly independent state, Kenya had a parliamentary system of government with a Prime Minister appointed by the Queen of England, Members of Parliament (MP) and leader of the majority party. The Queen remained Head of State and was represented by the Governor General as Commander-in-Chief (Mboya, 1963; CKRC, 2005). The National Assembly was comprised of two houses: the Senate and Parliament. The former

represented regional interests while the latter stood for national interests. Several commentators on constitutional development in Kenya (for example Okoth-Ogendo, 1971; Ghai and Ghai, undated) note that no sooner had Kenya been granted full independence or the country embarked on a path of intense regulation where public participation in decision-making and accountability were curtailed. With a parliamentary amendment in 1964 on the constitution, Kenya became a republic, the senate and regions were abolished and the notion of an “imperial president” was on the ascendancy in earnest (Kindiki, 2007; Ghai and Ghai, undated). Therefore, the “imperial president” had unfettered access to power and unashamedly abused such power – applying a combination of conditioned and condign power - by appointing whomever he deemed fit to public service (CKRC, 2005:30).

According to the CRKC, participation was characterised by ‘majoritarianism’ where the smaller tribes feared the domination by the bigger tribes (CKRC, 2005:22). Subsequent amendments saw the reduction in space for participation and accountability for citizens while the executive; particularly the president was egregiously strengthened as the other political institutions were weakened. Kindiki (2007:153) lists these amendments as:

- (i) The 1964 amendment that unified “the offices of the Head of State and the Head of Government”;
- (ii) The 1964 removal of “the constitutional protection against the redrawing of regional and district boundaries or the creation of new regions or districts”;
- (iii) The 1965 amendment that changed the state of emergency approval from 65% to simple majority and the 1966 amendment that removed the time limitations on state of emergencies;
- (iv) The 1966 amendment requiring Members of Parliament who defect or start a new party, to seek a fresh mandate from their constituents.

However, since voting was the main mechanism for participation, the merger of Kenya African Democratic Union (KADU) and Kenya African National Union (KANU) in 1964 (Mboya, 1963; Odinga, 1967; Gertzel, 1970), which

subsequently eschewed dissent, was an important antecedent for subverting political institutions. Kenya moved from a multi-party democracy to a *de facto* single party. Although multi-partyism was analogous to citizen participation, a single party 'democracy' ushered through a 1964 constitution amendment that had direct impact on participation by reducing the space where competition by political parties enhanced decision-making. Answerability of public servants was typically eroded by an imperial presidency.

There were several efforts devoted to reversing the imperial presidency; these experienced varying success. There were various implications for planning for poverty reduction as the CKRC (2005) report notes, "...while the constitution provided for a democratic system, there were inadequate provisions for separation of powers and insufficient participation in the affairs of the state" (CKRC, 2005:27). Furthermore, because of the "...dismantling of the democratic and accountability mechanisms...." (Ghai and Ghai, undated: 8), Kenya experienced a very difficult birth as a republic.

From a constitutional perspective it is clear from the above that the overall framework for urban planning for poverty reduction stymied considerable space for accountability and citizen participation. Key political institutions such as the judiciary, the public service, legislature, police and military had been emasculated by the presidency. It is, however, difficult to determine the effectiveness of the constitutional changes in terms of poverty reduction. This is because much of the struggle during the period of early independence focused on the overall governance of the country.

During this period two plans (the short-lived 1964–1970 National Development Plan and the 1966–1970 National Development Plan) were produced. The government also produced the extremely influential "African socialism and Africanisation", a policy paper that outlined the philosophical position and government priorities for the newly independent nation. In these documents, my analysis of the discourses unravelled the centrality or otherwise of poverty and the poor in the early national plans.

It is worthy of note that barely eighteen months into her independence Kenya unveiled her roadmap for development, including poverty reduction, the *African Socialism and its Application to Planning in Kenya* (Republic of Kenya, 1965); also popularly known as Sessional Paper No. 10 of 1965. Important foundations on how the government would address poverty and other issues such as economic development were established. Building on the colonial government, rural areas where the Black African resided were created as enclaves of poverty and aptly labelled as reserves where movements were tightly controlled. Focusing on a select few African farmers and concentrating investments in some areas not only enhanced inequality but also created poverty in excluded areas (Chege, 2005). But the Sessional Paper No. 10 failed to explain poverty. Although it may be argued that it was not necessary to delineate the poverty that required a “carefully planned attack” (Republic of Kenya, 1965:1) for one to address the poverty, it was unlikely that such an approach would have been feasible with ambiguously defined targets. It was argued:

The progress wanted cannot be easily won and it cannot be achieved by reverting to pre-colonial conditions. The best of Kenya’s African social heritage and colonial economic legacy must be recognised and mobilised for a concerted, carefully planned attack on poverty, disease and lack of education in order to achieve social justice, human dignity and economic welfare for all (Republic of Kenya, 1965:1).

With the exception of the first page where poverty was mentioned, this word (poverty) did not feature anywhere else in the Sessional Paper. From the paper, a five-fold strategy of development was outlined:

(i) to attack directly the two principal limitations on growth [shortages of domestic capital and skilled manpower]; (ii) revolutionise agriculture; (iii) to develop industry as rapidly as opportunities are created; (iv) to develop transport, power and marketing facilities and other infrastructure; and (v) to provide for a more equitable distribution of benefits achieved (ibid.:48).

The mention of poverty once in such an important policy document at that time in Kenya's life is instructive. While it may not be important to mention poverty for it to be addressed, it is unlikely that poverty may be meaningfully addressed without clarity. Moreover, with a single mention of the word poverty it is not possible to confirm what ideas of poverty the government held. It also does not mean mentioning poverty several times in a policy document necessarily amounts to a cogent explanation or even a subsequent poverty reduction. From the above, it was clear that poverty was identified as a priority, a proposal to address the same was provided and efforts were also made to formulate a framework for addressing poverty reduction and development in general. Odhiambo-Mbai's (1996:30-33) review of this framework shows that whilst an elaborated framework was established, it was bifurcated (Odhiambo-Mbai, 1996:36).

3.3 The Fleeting Golden Era: 1966–1976

As the CKRC (2005:28) observes, the authority of Parliament was severely weakened and all constitutional offices were subordinated to the presidency. As regards the public service, the President was given further discretionary powers to appoint and dismiss public servants in 1966. In the 1966–1976 decade, the constitution of Kenya was severely mutilated by way of gratuitous amendments (Ojwang, 2003; CKRC, 2005; Kindiki, 2007; Branch and Cheeseman, 2006). These included:

- (i) The 1966 amendment requiring Members of Parliament who defect or start a new party to seek a fresh mandate from their constituents;
- (ii) The 1968 removal of “the constitutional protection against the redrawing of regional and district boundaries or the creation of new regions or districts”;
- (iii) The 1968 abolition of the Senate;
- (iv) The 1968 amendment that gave the President the authority to appoint the twelve nominated Members of Parliament;

- (v) The 1969 constitutional amendments consolidation Act was passed (Act No. 5); it introduced a few new amendments and reproduced the Constitution in a revised form; and
- (vi) The 1975 amendment that allowed the President to waive the penalty on persons found guilty of an election offence and to allow them to contest elections after five years (Kindiki, 2007:153).

The net effect of the above amendments was the creation of a president so powerful that he could only be compared to the powerful medieval monarchs, thus the notion of an “imperial presidency” (Schlesinger, 1973). The imperial presidency was so powerful that it effortlessly emasculated other arms of government and institutions such as the judiciary and parliament (Ghai and McAuslan, 1970; Tamarkin, 1978; Mueller, 1984; Branch and Cheeseman, 2006; Amutabi, 2009). Kenya’s politicians succeeded in enhancing the discretionary powers of the executive whilst virtually obliterating any spaces for accountability and participation in the constitution. If the macro-institutional framework – the constitution - because of the above amendments was not supportive of participation and accountability, then it was not possible that the planning law rubric for poverty reduction, including at the local level, could have had any broader space for participation and accountability.

As shown in section 3.2 above, for the colonial government to subjugate the natives, much force, coercion and sometimes even consensus were applied. From Allen’s (2003) conceptualisation of power in things, it is clear that there were two categories: the powerful and powerless. The colonial government and then the early independence state and the citizens were the former and latter respectively. Because the colonial government and the new Kenya government amassed resources and therefore had enormous capacities to “hold” or “have power over others” (Cahill, 2008:296) they were unsurprisingly able to subjugate the citizens as shown above. Likewise, in the dismantling of mechanisms for accountability and participation, it was imperative to have power and use the same skilfully. Continued assault on political institutions was facilitated in three main ways: amendments to the constitution, assassination of political leaders, and intolerance and intimidation of

dissenting voices (Murunga and Nasong'o, 2007; Kindiki, 2007; Oyugi, Wanyande and Odhiambo-Mbai, 2003; CKRC, 2005; Bujra, 2005).

3.3.1 The 1966–1970 Development Plan

The 1966-1970 Development Plan was the first national development plan prepared by an independent Kenya. After the Sessional Paper 10 of 1965, the government produced this plan. According to President Jomo Kenyatta,

The Plan laid the framework for a large number of programmes and projects in all fields of the nation's economic and social life, but the time for preparation of the plan was too short to permit details to be worked out for most of them (Republic of Kenya, 1966: i).

Like the *Swynnerton Plan* before it, in this plan the Government sought to develop “small-scale farming into a modern and productive activity which will ensure better living for our millions of farmers, their family members and hired labour” (ibid.). Again in the words of President Kenyatta, the plan sought an “agrarian revolution”. Unlike the *Swynnerton Plan* that shied away from identifying the causes of poverty, the President stated thus:

An agrarian revolution cannot lead to the promised goals unless the people are determined to produce more and accept the necessary discipline and sacrifice. The door to prosperity is open for those who are willing to work hard and regularly follow the advice given by the Government officers. For those who prefer to work two or three hours a day, the Government cannot promise anything. Both sacrifice and discipline in financial matters are necessary (ibid.: ii).

The poor for whom the plan sought to address matters and poverty were clearly identified as “those who prefer to work two or three hours a day” (ibid.). The view of poverty espoused by the President and his government was a typical example of the growth paradigm that attributed poverty to personal

traits of the poor, such as sloth. But the poor or the small-scale farmers in Kenya in the 1950s and 1960s were neither lazy nor lacked the discipline that the President alluded to. These farmers were disadvantaged mainly because they had been dispossessed of their lands by the colonial government and the strategies that Swynnerton proposed, such as credit provision through the African Land Development Board (Swynnerton, 1953:55), did not necessarily benefit them or restore their lands.

The colonial government had earlier identified the poor as: “unemployed Kikuyu repatriates” (ibid.); “unproductive African farmers on African lands (Swynnerton, 1953: 1) amongst others. The key strategies of the 1966 – 1970 plan such as: land reform, intensified farming, development of cash crops, control of development and marketing of cash crops, livestock management, provision of credit and development of water resources were not directly targeting the ‘unemployed Kikuyu repatriates’ or ‘unproductive African farmers’.

The connections between local and central government were also made manifest in much of the confusion and conflict that sometimes existed between local authorities and Districts or Provinces. In Nairobi, for example, there was the City Council of Nairobi and Nairobi Province, which covered the same geographical space. My analysis of the national development plans 1966 to 1976 revealed a glaring blind spot - the City of Nairobi and issues related to its development were not covered in these plans. Such a phenomenon could have been justified on the grounds that these were national plans. Yet given the primacy of the City of Nairobi in terms of its contribution to the national economy, its population in relation to the total population (this is currently estimated at 10 percent of Kenya’s population), and being the political and administrative capital, the inclusion of Nairobi, although critical, was never done.

Whilst the entire country were supposed to benefit from planning and funding for development through the District Development Planning system, this arrangement saw a systematic exclusion of key urban areas from

development financing. For instance, Nairobi the major city in Kenya, was conspicuously omitted within the elaborate planning and financing arrangement that linked the National level and local level because as a city it was not a District and for over three decades planning was financed and implemented through the District Development Plans.

3.3.2 National Plans in the 1970s

This period started off with the 1970 – 1974 Development Plan. The Minister for Economic Planning and Development clearly stated the main objective of the Government as, “the development of our economic resources to achieve the goal of economic independence” (Republic of Kenya, 1969: iii). The main objective was broad enough to accommodate the concerns of the poor, even poverty reduction. Nevertheless, the underlying instrument and assumption in the government approach was trickle-down economics. In his assessment of the government’s performance in the 1966–1970 plan the Minister was cautiously enthusiastic (*ibid.*). Yet it was from the Minister’s assessment of targets for the 1970-1974 plan that the significance of addressing poverty, and by extension the plight of the poor, is discerned.

The view that poverty was a rural phenomenon also clearly emerged in the official position. A close scrutiny of the strategies and ideas that were advanced to address poverty reveals that these were similar to those suggested in the 1966–1970 Development Plan. These included rural development, Kenyanisation and promoting equality among others. The 1970–1974 plan was organised in fifteen broad thematic areas. These were: economic and physical planning; employment, manpower and incomes; targets and finance; rural development; local authorities; agriculture, livestock and co-operatives; forest, fisheries, mines and geology; building and construction; electricity; water supply; transport and communications; commerce; tourism and wild life; education; health and housing. The organisation of this plan reveals an important pattern that reflects both the thematic foci and the organisation of central government departments.

From the organisation of the plan, some insights on the priorities for the national plan are also revealed. With approximately 15 percent of the plan devoted to agricultural development, this confirmed that even with a shift to modernisation and industrialisation, agriculture remained an important basis for the envisaged economic development. In this respect, the positions in the 1970–1974 plan were similar to the colonial governments' *Swynnerton* plan and even the 1966–1970 plan. In the major policies and programmes for the development of agriculture including livestock and co-operatives, there was some recognition, again by inference, of the poor and poverty. An important policy tool for increasing agriculture was land transfer and settlement.

The 1974–1978 plan attributes the failure to realise policy priorities and objectives to the effects of the inflationary changes in the global economy. The prices of imports were increasing by leaps and bounds due to changes in the crude oil prices but the economy was still on an upward swing. Perhaps because of a generally booming economy, the government was also committed to the agenda of poverty reduction. Stringent macro economic policy was critical in realising poverty reduction. Implicit in this position was the quintessential trickle-down notion of development that assumed that if the economy grew then the benefits at the macro level would trickle down to the micro levels, including poverty reduction amongst the poor people.

Accordingly, the 1974–1978 plan, in agreement with the emergent tradition of preparing national plans, was also highly sectoral. It is organised in twenty-four chapters. The first two chapters provided an outline of the strategies and the government's assessment of her performance in the first decade of independence. With the shift to modernisation and industrialisation that was smugly embraced in the 1970s, much of the 1974–1978 plan was dedicated to these themes. However, like the plans before, considerable space was devoted to agricultural development. Since the poor, poverty and poverty reduction were not specifically addressed by way of a chapter in this plan, and the government had clearly not significantly changed her position on poverty.

Evidently, income redistribution had become an important policy objective in addressing inequality and by extension poverty. But this was mainly in favour of the rural areas. Transfer of land was the other important strategy employed. Here the government sought to purchase land and then re-distribute it by way of competitive sale. Generally speaking, the proposals for agricultural development like the other strategies did not necessarily cater for the poor, poverty or poverty reduction. In the case of the redistribution of land, it was not plausible that the poor even with credit could purchase and acquire land in a competitive market.

Although there were plans to develop housing, in the case of urban housing, the emphasis was more on housing for government staff, local authorities and citizens who were able to purchase housing provided by the private sector. This strategy for housing excluded a substantial part of the population, mainly the poor who could not participate in the housing market as guided by the strategies proposed. The only objective, as stated below, that seemed to address the poor was ambiguous:

To ensure that (a) no additional unauthorised housing settlements are erected, (b) slums are removed when satisfactory alternative housing has been found, and (c) sub-standard urban housing is improved (ibid.: 473).

3.3.3 The 1973 Nairobi Metropolitan Growth Strategy

Although it built on the 1948 Master Plan, the Nairobi Metropolitan Growth Strategy (NMGS) was also different from the Master Plan in several ways. First, unlike the Master Plan that was prepared entirely by three foreign Planners, a multidisciplinary team of twenty-seven professionals prepared the NMGS. Nineteen of these professionals were from the Planning Section of the CCN and the other eight were drawn from the United Nations Technical Assistance Programme (UNTAP) and the Overseas Development Administration (ODA). But, like the planning team that was led by an

expatriate for the 1948 Master Plan, the NUSG was also led by a senior economist from UNTAP “to ensure a pre-investment approach” (City Council of Nairobi, 1973:iv).

The NMGS just like its predecessor, the 1948 Master Plan, neither specifically identified nor discussed, poverty and the poor. An interesting convergence, though, was the inferences to poverty and the poor by the two plans. There are some disparities and similarity on how the poor and poverty are kept on the fringes of the two plans – the Master plan and the NMGS. Nevertheless, to their credit, the NUSG identified the poor broadly along the income and employment dichotomies. Moreover, dichotomies such as modern/non-modern and formal/informal that were used to describe un/employment resonated with the modernist views of development in which society was conceptualised as evolving from primitive to modern. The poor tended to be associated with the informal sector and unemployment. The NMGS’ first reference to poverty was in its projection of unemployment.

The NMGS provided sound analysis of the employment conditions in Nairobi. However, there were two problems with this analysis. First, it did not adequately show how the City of Nairobi, despite its limitations, was going to create the employment that would deal with the type of poverty identified. The NMGS envisaged a 4 percent rate of employment creation in the city. Many of these jobs were expected to result from the burgeoning informal sector. The NMGS also correctly predicted that the growth in the informal sector would be inadequate, thus resulting in a sizeable proportion of the population in Nairobi being poor – at least in terms of unemployment and low incomes.

From the NMGS it was evident that the City of Nairobi’s knowledge of the informal sector and even poverty was somewhat superficial. As such, the projections for addressing poverty based on the informal sector could not have been convincing. The second weakness was the seeming reliance on the central government, even without a clear institutional and policy framework, that would ensure the delivery of the required jobs for the City of Nairobi. The third weakness of the NMGS was confusing low-income groups

with the poor and/or poverty. Whilst the poor may have low incomes, it is not always true that low-income groups are always poor. On the whole, even with its weaknesses the NMGS seemed more responsive, albeit obliquely, to poverty and the poor than the 1948 Master Plan.

The NMGS also caveats action with financial capacity. In this sense, therefore, the City of Nairobi acknowledged the poor and poverty but was constrained by the limited resources. While it could then be argued that the City of Nairobi understood the poor and poverty, but could not directly address these without financial resources, it could also correspondingly be argued that when the City of Nairobi had the financial resources it would directly address the poor and poverty in their plans. Nevertheless, such arguments would be much too weak without evidence of interest by the City of Nairobi to address poverty. It would be highly improbable that even with increased financial resources, poverty and the poor would be centre staged in planning. I now turn to the measures adopted to address the poor and poverty.

The plans' response to the poor was exemplified by the proposals for land use and housing and how these were in turn implemented. The City of Nairobi engaged numerous interventions such as provision of permits and licences for the informal sector (ibid.: paragraph 14) and provision of better market information (ibid.: paragraph 15). Moreover, the City of Nairobi engaged many bold proposals, for example the subsidies received from the Central government (ibid.: paragraph 18) and provision of grants and subsidies to the indigent (paragraph 31–33).

3.3.4 Assassination of Political leaders

Even if it was not officially stated as government policy, literature (for instance Gimode, 2007) strongly asserts that assassinations were an effective strategy for dealing with opposition. The murder of Pio Gama Pinto in 1965, Tom Mboya in 1969, and J.M. Kariuki in 1975 revealed a frightening pattern of the cost of opposition (Gimode, 2007). All these leaders who were killed were

highly respected by the Kenyan public, especially among the poor and marginalised, and thus posed a considerable threat to the interests of the ruling and powerful elite.

Even if the government and/or President may not have been directly implicated, the death of the above politicians seemed to benefit them more than the interests of the poor and marginalised that the assassinated politicians represented. Moreover, their growing influence and popularity was a clear challenge to an established imperial presidency. With the death of Gama Pinto and J.M. Kariuki⁷, it was difficult for public servants to propound poverty reduction interventions. In the context of a powerful president with such sweeping powers, the public service was transformed into a subservient and malfeasant institution (Murunga and Nasong'o, 2007; Odhiambo-Mbai, 2005; Gimode, 2007).

The seeds of intolerance and intimidation sprouted into more complicated ills for Kenya's governance systems. Wanyande (2005), Odhiambo-Mbai (2005) and Gitu (2005) explored some of the challenges such as the collapse of the public service, corruption, and abuses of human rights that Kenya has had to contend with and experience along Kenya's transition to democracy. With respect to poverty reduction, it is instructive to note that one of the causes of the irredeemable differences in the political leadership at independence related to how to address poverty.

After the assassination of Tom Mboya, the sunset of the golden era of independent Kenya was apparent. Political institutions were "...stripped of most of their powers, functions and sources of revenue" (Wanyande, 2005:48). The competitive multiparty politics and elections that gave birth to

⁷ Gimode (2007:234-235) states that in the ideological war that emerged in Kenya in the 1960s, the more capitalist-orientated group led by Kenyatta himself and his lieutenants such as Njoroge Mungai, Mbiyu Koinange, Tom Mboya and James Gichuru favoured close partnership with Western multinationals. Others with a leftist orientation led by Jaramogi Oginga Odinga, Pio Gama Pinto and Bildad Kaggia considered the policies espoused by Kenyatta's government as neo-colonialist and exploitative. During Kenyatta's rule, three clearly state-linked assassinations took place, namely that of Pio Gama Pinto, Tom Mboya and J.M Kariuki.

independence were also abolished. Jaramoji Oginga Odinga's Kenya People's Union (KPU), which was also the official opposition party in parliament, was banned and their leadership detained without trial (Kituo Cha Katiba, 1999; Schmidt and Kibara, 2002). The 1969 general elections ushered in the politics of control and authoritarianism that became the hallmark of the final years of the Kenyatta presidency.

Interestingly, Kenya's economy was booming and with poverty at 29 percent (Collier and Lal, 1980) the return to the golden era seemed possible. Within the context of the political institutions outlined above, the framework for urban planning for poverty reduction did not significantly support participation and accountability. Although independence sought to expand the role of citizens in decision-making, the transformation of Prime Minister Kenyatta to President Kenyatta in 1964 rolled back many of these intentions. Instead, the president made all the decisions and the citizens continued to be excluded. Applying Arnstein's (1969) concept of participation as manipulation, dissenting voices within government were ruthlessly silenced as participation was contrived and manipulated. Moreover, since power was highly concentrated in the president and his advisors, citizen participation was virtually non-existent.

3.4 The Virtual Demise of Institutions: 1977–1990

The 1968 amendments that abolished the senate, recentralised government and removed the constitutional protection for districts and regions, heralded a shift in the centre-local relations (Wainaina and Okoth, 2002:38-39). With the enactment of the Local Government Act, Cap 265 in 1977, the framework for local government and governance, and urban planning in poverty reduction was drastically rearranged and power relations were also significantly altered. The President and the Minister for Local Government virtually controlled governance and determined the form and scale of development at the local level. The districts were under the control of the Office of the President; and towns and cities were controlled both by the Office of the President and Minister for Local Government.

3.4.1 The Local Government Act (Amended 1977)

The Local Government Act (chapter 265 of the Laws of Kenya) established local authorities, set out their functions and also spelt out the powers of the Minister for Local Government with regard to the supervision of local authorities. The provisions relevant to interaction with citizens were found in Part V of the Act, which dealt with Meetings and Proceedings. Under this Act, all local authorities were required to hold one annual meeting, and at least three other meetings in the year, unless smaller councils (not counties or municipalities) were specifically permitted by the minister to hold fewer meetings (Section 74(1)).

Section 84 enjoins that every meeting of the council shall be open to the public and to accredited members of the press, subject to available accommodation. However, proceedings of committees (including a committee of the full council) shall not be open to the public or the press, unless the council constituting the committee explicitly resolves to admit the public and/or the press. Section 86 further provided that a local authority chairman may “from time to time, summon at such place and time as he may determine, public meetings of the inhabitants of the area of jurisdiction of the local authority for the discussion of any local government matter affecting the inhabitants which he considers to be of public importance.”

This Act permitted but did not obligate councils to publish summaries of the budget estimates in local newspapers. Citizens may also request copies of the council's annual estimates and the council must provide these summaries, but at a fee (Commonwealth Local Government Forum 2005). Citizens were enabled to request these copies through a general provision allowing access to minutes of proceedings of the council - section 82. In section 82 the local authority is also required “at all reasonable times” to open minutes of their proceedings for inspection by any ratepayer or voter of the area, and allows the ratepayer or voter to obtain a copy or an extract from such record. This section applied to the records of committee proceedings as long as such

minutes of committee proceedings have been formally adopted and deemed part of the minutes of the proceedings of the local authority in question.

This Act did not create an entitlement to participation by citizens. Although residents were allowed to attend full council meetings, they did so only as observers. The Act did not provide any provision for the council to consult their opinions. In addition, they did so only as long as there was available accommodation, which only the council could determine. Using such a mundane condition local authorities could totally exclude the public and the press from proceedings and other planning exercises. Even though there was provision for public meetings called by the local authority chairman under section 86, these took place at the discretion of the council chairman.

First, he had to determine whether the issue at hand was of public importance; then he also determined that the matter affected the residents; then he would have to further determine what time and place would be appropriate for a public meeting. The frequency of when such public forums should be convened was also an issue that was at the absolute discretion of the council chairman. The Act did not have an explicit provision for citizen initiative in interaction with local authorities.

While citizen-initiated contact was not outlawed within the framework, any such citizen-initiated interaction would only proceed if it had the chairman's sanction, or if the residents managed to convince at least one-third of the council members to sign a request for a special meeting of the council. Section 75 says that if not less than one-third of the members of the local authority (council) send a request to the chairman, the chairman must convene such special meeting within five days of receipt of the request, and the special meeting must be held within fourteen days from the date the request was received, failing which the clerk of the council should call a special meeting with the council. If the citizens failed to secure the backing of the requisite number of councillors, then such an issue was unlikely to get onto the agenda of a council meeting. The Local Government Act as enacted

in 1977 was thus very poor in terms of enabling a strong degree of citizen participation in urban planning and governance in general.

Section 82, which provides for the inspection of Council minutes, was powerful space, because it placed an obligation (not discretion) on the council to routinely give an account of its work to citizens. Moreover, this requirement potentially created access for the public in general, not to some few, and therefore fulfilled the requirement that the presentation of information must be to a publicly accessible forum. This provision also created a freedom of information that guaranteed access to official records, despite the absence of a national law on freedom of information. The fee imposed must be a reasonable one that does not amount to restricting access to a privileged few. Thus on the face of this provision, the Local Government Act enabled answerability, but this was not empirically proved.

Consequently, the other provisions in the Act do not meet the threshold for answerability. The use of “may” rather than “shall” in the provision concerning convening of public meetings (section 86) meant that the council chairman was not being compelled; rather he was being permitted to convene these public meetings. It was a discretionary power. The same was true of the publishing of summaries of budget estimates in local newspapers: councils were under no legal obligation but they may choose to publish.

From the above, it is clear that the second dimension of accountability was accommodated: there was no sanction attached to failure to account since this was not in itself obligatory. The only sense of obligation attached with respect to section 82 on inspection of minutes and provision of copies at a fee to ratepayers and voters. But the law did not specify what recourse citizens had in the event a council failed or refused to provide the copies as requested. The Local Government Act did not deliver accountability to citizens. Similarly it was not clear whether in practice the Act encouraged responsiveness of local government officials to citizens’ needs.

3.4.2 Developments in the late 1970s

Political anxiety and uncertainty characterised the late 1970s, which was also the beginning of the third phase in the growth of political institutions in Kenya. Jomo Kenyatta, the founding Prime Minister and President, was arguably senile, frail, and with flagging health. He finally died in 1978 and was replaced by President Moi who went on and won the 1979 general elections in his own right. Kenyatta's demise in many ways, as the rest of this section will show, was a harbinger of the dark era in the development of political institutions. The death of Jomo Kenyatta sparked intense power struggles within the political elite that only aggravated the destruction of institutions such as the public service, the police, and judiciary (Adar, 2000; Branch and Cheeseman, 2008; 2009). Of this period, Ghai and Ghai vividly portray the dearth of institutions thus; "the careful sharing and balancing of power and the safeguards of citizen's rights and freedoms were done away with, giving rise to destructive ethnic politics and sowing seeds of disunity" (Ghai and Ghai, undated: 8).

The most vulnerable were invariably the poor. But the late 1970s and 1980s were not entirely bleak; there was some deviation from tradition when the government lurched back into poverty reduction in the 1979–1983 National Development Plan. The 1979-1983 plans made the boldest statement yet with respect to poverty reduction. Indeed as newly inaugurated President Moi observed, "reduction of poverty is not only an objective in our development efforts: it is also a major instrument for ensuring that our development is rapid, stable and sustained" (Republic of Kenya, 1979: ii).

Unlike the earlier plans, the first chapter was dedicated to the analysis of the "development" problem of Kenya and progress made as well as identifying the key strategies for implementing the plan. Specific measures for addressing poverty were identified. These included, "emphasis on continued growth, raising household incomes by creating more income-earning opportunities, increasing the output and quality of services provided by Government, and improving income distribution throughout the nation" (ibid.: iii).

The 1979–1983 Plan acknowledged for the first time that “poverty has several dimensions” (ibid.: 10). In this plan, poverty was essentially expressed in terms of income/expenditure and (mal) nutrition/standards of living (ibid.: 10 - 11). Because of the fast growing population, increasing joblessness/unemployment and worsening inequality, poverty in this Plan was understood as being more prevalent in rural areas (ibid.: 1-23). As a corollary, it was understandable that the measures proposed sought to increase incomes and jobs in these areas. However, it was evident that the government also sought to enhance her knowledge on poverty, the poor and poverty reduction.

In the 1970s, the conceptualisation of poverty in international literature widened to include the basic needs. The Government of Kenya correspondingly extended her conceptualisation of poverty and a basic needs approach was evident; as shown above. Furthermore, an entire chapter in the plan was devoted to explicating these basic needs (Republic of Kenya, 1979: 125-204). The basic needs that the plan focused on were health and nutrition, education and training, housing, social services and water. In terms of health, the focus was on increasing access to health services. An elaborate plan to expand hospitals, dispensaries and training and research was laid out.

While addressing accessibility in terms of distance, the other aspects of accessibility, especially social and economic access where the poor were most susceptible to exclusion, was not addressed in the plan. Moreover, the major vehicle for accessing health was the National Hospital Insurance Fund that remained useful only to the non-poor who could afford the required contributions.

The trend of marginalising urban poverty was evident throughout all the fields identified as basic needs in the plan. By increasing the reach to include the low-income groups, and yet not catering for the population group with less than low incomes, it was clear that whilst poverty reduction was central to the 1979–1983 Plan, it was kept at the margins of this plan. Perhaps it was assumed that by increasing coverage the poorest would have benefited from

the philanthropic benevolence of the low income population and others who benefited from the interventions in housing, water, education and income-earning opportunities, amongst others.

With the 1979–1983 Plan, the Government of Kenya not only laid out its plans to further industrialise and modernise Kenya, but it also exhibited an unusual grasp of poverty and the need to reduce it. But conflating “low income groups” with “poverty” and the “poor” was a significant blight on the plan and again showed how the poor and poverty were excluded.

3.4.3 The Early 1980s

Although there had been numerous amendments to the constitution, the June 1982 amendment that made Kenya a *de jure* one party state was most ignominious. The justification for the amendment, the state argued, was to forestall the registration of an opposition party by former vice president Jaramoji Odinga Oginga and Moseti Anyona (Kituo Cha Katiba, 1999; Murunga and Nasong’o, 2007). In this austere environment, a few months after the turn to single party politics, on 2 August 1982, the military attempted a *coup d’état*. Predictably, President Moi also ruthlessly quelled this insurgency. This was also the zenith or peak of the power of an imperial president, but the growing disquiet and rebellion revealed surprising vulnerabilities in the hitherto powerful president.

While intimidation and harassment of dissenters had been deployed previously, changes such as the 1982 amendment of the constitution and attempted *coup d’état* heralded an era of unprecedented intimidation, harassment, and even torture of dissenters. As Willy Mutunga, the current Chief Justice, related in an interview on the incarcerations of this period, “Under President Moi, it was dangerous to be a teacher with a critical mind. The ominous signs had started in July 1980, when he banned the University Staff Union....” (Badejo, 2006:102). The 1980s also achieved notoriety for the gross abuse of human rights, and the highest number of illegal detentions in independent Kenya (Schmidt and Kibara, 2002: 11). This was perhaps only

surpassed by the *gulags* of the departing colonial government when hundreds of Kenyans were illegally held in prisons, others killed as a means of containing the *Mau Mau* revolt (Elkins, 2005).

President Moi, with the support of a pliant judiciary, employed an elaborate provincial administration structure, the police, and public service - departments in the office of the president, to intimidate, harass, torture, and even illegally imprison dissenting citizens (Patel, 2001; Branch and Cheeseman, 2006; Bannon, 2007; Alston, 2009). The public service and judiciary acquiesced to the whims of President Moi and were totally subservient. The vigorous defence of a single-party democracy and detentions without trial by the Attorney General and judges; and the ease with which constitutional officers were stripped of tenure (Badejo, 2006: Ghai and Ghai, undated) were indicative of the extent of pliability of the legislature, public service and judiciary. Moreover, the judiciary acting in tandem with President Moi invariably expeditiously meted out harsh punishment for dissenters, radical academics and opposition politicians (Badejo, 2006; Schmidt and Kibara, 2002; Murunga and Nasong'o, 2007; Ghai and Ghai undated).

Just like the controversial British author Arthur Koestler's depiction of Stalin's ruthless purges and murder of dissenters in the 1930s Russia; in Kenya's 1980s under an extremely powerful President Moi, the destruction of political institutions and muzzling of dissent in the 1980s, was indeed "darkness at noon" (Koestler, 1940). Unsurprisingly, poverty reduction was a marginal government priority. There were two priorities: on the economic front restructuring the economy using the Structural Adjustment Programme (SAP) to address the worsening public debt and balance of payment position (Republic of Kenya, 1984); and politically, to "...control the state, consolidation of power, the legitimation of his [President Moi's] power base and popular support" (Adar, 2000:75).

Besides, the demise of political institutions had dire consequences and with a great many of Kenya's citizens sliding deep into the abyss of abject poverty.

Analyses of the significance of a robust institutional framework in poverty reduction were powerfully shown in Kenya's darkest period of the 1980s. Ghai and Ghai (undated) show this causation. An excessively powerful President Moi and President Kenyatta before him prevented any changes in the institutional framework that would buttress urban planning for poverty reduction. From the above the demise of the political institutions not only increased poverty but also made it impossible to plan for its reduction.

Interestingly, elections continued to be held during this period. General elections were held in 1979, 1983, and 1988 respectively. But it was the 1988 elections based on voters queuing behind contestants that showed the depravity of the institutional framework and flagrant abuse of citizen participation. The 'winners' of these elections were generally stooges of the presidency and were reported to have had the shorter queues (Badejo, 2006; Maathai, 2007; Murunga, 2007). There was widespread condemnation of these elections, including within the political elite. The schisms in the political elite and growing disquiet among the citizens triggered a series of public protests and calls for changes to the constitution, an end to illegal detention of political prisoners and other dissenters.

President Moi responded in his characteristic style: using excessive force by the police and other security apparatuses, murder, and a national commission to inquire on the value for competitive multiparty politics (ibid.). Although the persecution intensified, so did the resistance. In many ways the rebellion that erupted in 1982 marked the beginning of the decline of President Moi's power. The call for and need for fundamental change and reconfiguration of political institutions by citizens, politicians, civil society, and the global north was unstoppable; and for once in Kenya's history, the reign of imperial presidents was clearly imperilled (Bujra, 2005; Murunga and Nasong'o, 2007).

Following the 1988 botched general elections public disquiet heightened. The church, civil society activists such as journalists, human rights lawyers and proscribed politicians led by the quintessential public-spirited politician Jaramoji Oginga Odinga relentlessly spoke out against the Moi dictatorship

(Odinga, 2013). Furthermore, Kenya was also grappling with the adverse effects of failed Structural Adjustment Programmes (SAPs) and faced pressure from the International Finance Institutions (IFIs) to liberalise the economy (Ikiara, 1996). Notwithstanding these conditions, when the demands for reforms increased, President it was correspondingly obstinate and instead deployed more violence (Adar, 2000).

3.4.4 The Policy Framework in the 1980s and National Planning

Just as the international basic needs discourses affected the national planning policy discourses in the 1979–1983 Plan, the rise of the World Bank and IMF inspired Structural Adjustment Programmes (SAPs) and adverse global economic conditions similarly directed national planning policy discourse in the 1980s (Republic of Kenya, 1984: 40).

The adverse global and national macro economic conditions in this period necessitated a significant change in tack. The shift from provision of basic needs in the 1970s to significantly reduce interventions by the state ensured that the economy grew. To energise the threatened economy, however, the central government turned to the private sector (ibid.: 58). The low-income groups that had previously benefitted from the programmes that provided basic needs such as water and health, suffered with the shift in the 1980s.

With the rise of the SAPs where the government stopped investments that promoted and provided basic needs, poverty increased. This was because the low-income population groups now joined the poor, as they could no longer access many of the basic needs that used to be provided. Yet the central government was so convinced in its pursuit of a private sector led model that it claimed, “without growth in the private sector, there can be no effective or widespread development in Kenya” (ibid.: 39). Even though generally accurate, the challenge lay in the fact that “effective or widespread development” was not the same as development with reducing poverty. The ineffectiveness of the SAPs, especially with poverty reduction, was the subject

of copious research (for example Therien, 1999; Riddell, 1997). Needless to add, even for Kenya the SAPs that informed national planning decisions for close to two decades were debilitating, poverty spiralled from 28 percent in the early 1970s to an unprecedented 54 percent in late 1980s (Republic of Kenya, 1969; 1978; 1983; 1988).

The resistance to the powerful President Moi was unrelenting. But President Moi was determined to stop the resistance. In addition to the incarceration of clergy and journalists, assassinations were also deployed, the most notable being the February 1990 murder of Foreign Affairs minister, Robert Ouko (Anguka, 1998). Others who died in equally suspicious circumstances include the late Anglican Bishop Alexander Muge (Badejo, 2006; Maathai, 2007). Even though there was widespread and massive human rights abuse by the state under President Moi, local and international pressure was too much for the president to deflect (Patel, 2001; Bannon, 2007).

The February 1990 assassination of the Foreign Affairs minister, Robert Ouko signalled the end of the era of aborted institutions. Mass demonstrations and civil disobedience started that led to the arrest and subsequent detentions of politicians such as Raila Odinga, Charles Rubia and Kenneth Matiba in July 1990. But this did not stop the pressure for democracy. Jaramoji Oginga Odinga again tried to register a political party which the state and courts, together with the presidency, thwarted (Schmidt and Kibara, 2002). During this period, Kenya's development partners and donors withheld development investments and loans until multiparty democracy was restored. The fall of the oppressive state was now unstoppable and a new and progressive constitutional order, coupled with the rise of institutions that promote and secure citizen participation and accountability, was inevitable.

3.5 Conclusions

This chapter has shown the ways in which the growth of political institutions affected the institutional framework for planning for poverty reduction in Kenya. The political developments from the 1920s to the early 1960s that led to the birth of the Kenyan state are significant in the history of the Kenya Republic because this marked the birth of the country as a Colony and Protectorate of British East Africa Protectorate. Further, the 1919 Ordinance of the Legislative Council (LEGCO) that allowed participation and representation of the then recognised Kenyans – the White settler population provides useful antecedents for the limited participation of the under privileged. At independence, Kenya gave birth to the notorious institution of the imperial presidency. The decade of 1966–1976, the fleeting golden era was also important in two main ways: the rise of the imperial presidency synonymous with the growing abuse of power, and the systematic atrophy of political institutions. The treacherous developments from the late 1970s to 1990 saw the virtual demise of institutions. The peripatetic trajectory of the growth and development political institutions discussed in this chapter was no doubt inimical to urban planning for poverty reduction. The next chapter turns to the ways in which specific institutional frameworks enhanced and/or constrained participation and accountability.

CHAPTER FOUR: THE REBIRTH OF POLITICAL INSTITUTIONS AND HOPE FOR POVERTY REDUCTION IN KENYA, 1991-2010

4.1 Introduction

The 1991 constitutional amendment that repealed the infamous Section 2A, and three subsequent constitutional amendments marked the creation of the second republic and the subsequent rebirth of institutions. In addition to the 1991 amendment, the 1997 Constitution of Kenya Review Act, the 2008 Constitution of Kenya Review Act and the 2008 National Accord and Reconciliation Act were important institutional changes that ensured the successful formation of the second republic and provided for a dramatic even though reluctant shift in power from a powerful president and state to the possibility of previously powerless citizens, especially the poor, becoming powerful.

In 2010 a new, progressive Constitution was promulgated. Through this Constitution the rights of the poor and marginalised are enumerated. The constitution also enshrines citizen participation and accountability as core national values. As a result, the space for participation and accountability has significantly increased. But the formation of the second republic was not just about constitutional reforms. For the first time poverty reduction occupied a central space in government institutional reforms.

Even with such phenomenal achievements and transformation in the institutional framework, much is in flux, and remains to be operationalised for urban planning for poverty reduction to shift from a notional practice to an actual and genuine practice that secures the empowerment of the poor and marginalised. The above limitations notwithstanding, it is reasonable to conclude that because the 2010 Constitution guarantees the rights of the poor and marginalised, and protects accountability and citizen participation, urban planning for poverty reduction, Kenya has its most supportive institutional framework yet.

This chapter is presented in six parts, including this introduction. The second part discusses the factors that motivated constitutional change and revitalisation of institutions from the 1990s when the protracted civil society and citizens-led reform process climaxed in the unprecedented promulgation of the Constitution of Kenya (2010). The third and fourth parts discuss the legislative and policy developments relevant to urban planning for poverty reduction and the impact on power, participation, and accountability. Analysis of the current institutional framework for urban planning for poverty reduction is presented in the fifth part. This is followed by an assessment of interventions for poverty reduction in the sixth part. Finally, the conclusion considers the implications of the institutional changes for poverty reduction.

4.2 The Second Wind of Change

Unlike the constitutional conferences of the 1960s where the colonial government invited and controlled participation, in the 1990s, citizen participation was sacrosanct. In addition to the 1991 amendment, the 1997 Constitution of Kenya Review Act, the 2008 Constitution of Kenya Review Act and the 2008 National Accord and Reconciliation Act were important institutional changes that ensured the successful birth of the second republic. This significantly increased the space for participation and accountability. Additionally, two hard-earned plebiscites were conducted in five years (in 2005 and in 2010) to establish accountability and citizen participation as critical national values (Constitution of Kenya, 2010: Chapter Two and Chapter Six).

Like the struggle for independence, the achievement of the second republic in 2010 was a liberation struggle against oppression, unequal power, abuse of power and abuse of human rights amongst other violations. Unsurprisingly, changing the constitution was an integral part of this resistance. The protagonists were invariably the state personified by the imperial presidency of Kenyatta and Moi respectively on one hand, and the citizens, political activists and social movements on the other. Again, just as the constitution

was the expression, and contention of power relations (Mboya, 1963; Odinga, 1967), the constitution was at the heart of the contentions for the rebirth of the Kenya Republic. Although most actors had changed, the contentions had not. The power of the president and the presidency were invariably the aggressor. Ghai and Ghai (undated) capture the debilitating nature of these powers thus:

The current constitution established an extremely powerful office of the presidency, with relatively little accountability. The cabinet is advisory. The president has various immunities. There is an aura about the president's office (and his powers to reward or punish) that places its holder essentially above the law. A great deal of corruption has been associated with wide executive powers, minus accountability. All other office holders, not excluding the judiciary, obey his instructions without question and regardless of its mediocrity and lawlessness. Creating such a powerful office, with the ability to favour one's tribe and exclude some or all others, has greatly politicised ethnicity (Ghai and Ghai, undated: 5).

Although Ghai and Ghai's (undated) comments were made almost four decades after the fateful 1964 amendment of the constitution, theirs is an indisputable reflection of the consequences of the negative transformation of power from the Governor of the colonial government to the Prime Minister and later President of the Kenya republic. With such powers in the President, the pursuit of democracy, participation, accountability, and good governance were the enduring, key facets of the political strife in making the second republic.

The Mau Mau uprising of the 1950s and the state of emergency characterised the context in which Kenya's political institutions were established. The government-instigated tribal clashes of 1991-1993, 1997-1998, 2002, and 2007-2008 (Kenya National Commission on Human Rights (KNCHR), 2008) typified the state's recalcitrance to building institutions that supported participation and accountability and democracy in general. In the early 1990s the state continued to interfere with and abuse elections. Gerrymandering was also used as an important device for subverting effective representation.

Moreover, the state invariably controlled electoral processes and deliberately weakened political parties (Oyugi, Wanyande and Odhiambo-Mbai, 2003; Murunga and Nasong'o, 2007). Undaunted, Jaramoji Oginga Odinga announced the Forum for the Restoration of Democracy (FORD) in 1991, a pressure group that became the vehicle for contending for democracy (Schmidt and Kibara, 2002; Bujra, 2005; Murunga and Nasong'o, 2007).

The local pressure was complemented by pressure from the U.S. and Europe. For instance, the U.S. Ambassador to Kenya, Smith Hempstone openly supported the nascent opposition efforts. The 1992 Human Rights Watch World report relates some of the Ambassador's abrasive remarks on the need for reform and democracy in Kenya as follows:

If that guy [President Moi] doesn't stop telling lies about me, I'm going to start telling truths about him [...] I don't now if Kenya is at the head of the class when it comes to corruption but they're a contender. The state of the economy is extremely fragile, and corruption has a deleterious effect (Human Rights Watch, 1992:68).

From a post-structuralist conceptualisation of power as immanent (Foucault, 1991), power was enacted in several ways, sometimes simultaneously and at other times in contradictory ways during the arduous growth, demise, and revitalisation of political institutions. With such an institutional framework, the rights of the poor and other marginalised persons were easily shunned. Therefore, urban planning for poverty reduction was only notionally possible.

Although it was expected to be a quick return to democracy, it took thrice the time that changes from Lyttelton to the Lennox Boyd constitution in 1958 to the realisation of independence and the 1963 constitution. From the 1991 constitutional amendment that repealed Section 2A that restored multiparty politics and signalled the rebirth of institutions, it was not until two decades later in August 2010, that a constitution espousing the struggle aspirations of the powerless and oppressed was promulgated.

The creation of the Forum for the Restoration of Democracy (FORD) and other parties similarly spelt a new democratic era in 1991. Assassinations were another area of similarity. Some of the notable murders included Pio Gama Pinto and Tom Mboya in 1965 and 1969 respectively. Correspondingly, the murder of Karimi Nduthu in 1996 and the renowned intellectual Odhiambo-Mbai in 2003 amongst several others characterised the return to democracy in Kenya (Adar and Munyae, 2002; KNCHR, 2008; Alston, 2009).

Thus, the successful resistance that led to independence and the struggles for the second republic clearly show that even the colonial government and imperial presidents did not always have absolute power. The implication was that power was indeed spread throughout the entire nation and institutional framework. Because power was not always held by the powerful, as Cahill (2008:297) observes, "In the often discouraging and frustrating world of development, simply acknowledging this may open up new spaces for hope and creative engagement." This partly explains why the colonial government and imperial presidents Kenyatta and Moi acquiesced to constitutional changes that significantly altered the relations of power between the government and its citizens.

4.3 Legislative and Policy Developments in the 1990s

The decades of the 1990s and 2000s saw the enactment and adaption of several laws and policies with important ramifications for power relations and urban planning for poverty reduction. The main avenue for citizens to participate in decision-making and hold the government accountable was by way of voting in general elections. Four such elections were held every five years in 1992, 1997, 2002, and 2007. To address the question of president and state with imperial powers, in 2005 and 2010 two plebiscites were held to provide a constitution that protected powerless citizens from a powerful state and ensured their participation in decision-making and accountability of public officers to the citizens. I shall begin with the legislative and policy developments in the 1990s.

Current literature (Hornsby, 2012; Odinga, 2013) shows that except for Nobel Laureate Professor Wangari Maathai's resistance to President Moi's project to build Africa's tallest building in Nairobi's central park, the 1992 general elections and enactment of the Physical Planning Act of 1996, the period 1991 to 1997 was uneventful in terms of legislative and policy change. Following from the 1991 constitutional amendment removing the infamous section 2A, the February 1992 government of Kenya's abandonment of its prestige 60 storeys Times Tower project (Maathai, 2007:182-222), and the 1992 multi-party elections were a critical watershed in the shift to revitalising political institutions. This was Kenya's first multiparty election since independence 29 years earlier. Yet, because President Moi and his government continued to mock reforms, the 1992 elections were also a major anti-climax as the long expected reforms were aborted with a widely acknowledged rigged election. Moreover government's adoption of violence against the citizens and opposition politicians (Maathai, 2007; Murunga and Nasong'o, 2007; Badejo, 2006) underlined its reluctance to reform.

In the early 1990s, although the idea of an imperial president was threatened, President Moi's grip on power, like the Emperor Aurdias Marcus of the Roman Empire, was "...absolute, capricious, and tyrannical" (George, 2012:27). Although the institutions had virtually collapsed and the participation of citizens notional, the resistance of Professor Wangari and support from the Kenyan citizens and international community to stop Moi's prestige project at Uhuru park shows that even in times of extreme oppression the citizens are not without power. Neither is such power restricted to the powerful alone. From this experience we notice that relations of power can change and participation take different forms.

4.3.1 The Physical Planning Act, 1996

This was the first attempt to provide a specific framework for urban planning. The law was enacted in 1996 but commenced on 29 October 1998. The Act gives the Director of Physical Planning power to regulate planning in Kenya.

According to section 4 (2), the Director is the chief Government adviser on all matters relating to physical planning. In Section 5, the functions of the Director include; formulating national, regional, and local physical development policies, guidelines and strategies, conducting studies and research into matters concerning physical planning, advising the Commissioner of Lands, and ensuring local authorities properly execute physical development control and preservation orders.

Furthermore, the Act, under the First Schedule, mandates the development of Regional Development Plans that include strategies for human settlements in the area, including development of service centres, growth centres, transport and communication network and rural development. Other matters include a sectoral approach to development and measures for implementation and coordination in these sectors, namely industrial development, housing, transportation, health services, education, water supply, sewerage and electricity supply.

This Act also provides the mandates for the development of urban master plans. However, the Act does not recognise informal or irregular settlements; thus making service provision and physical improvement in slums and squatter settlements difficult and legally untenable. Together with virtually obsolete land laws that do not provide any tenure rights to the poor, squatters and other groups of the urban poor, responding to poverty in the slums within the framework of this Act, is extremely difficult.

Since section 5 of the Act clearly places the entire planning responsibility in the purview of the Director of Physical Planning, it therefore follows that citizen participation within this Act is much constricted. President Moi still remained extremely powerful and public servants served at the pleasure of the president. An important function such as Director of Physical Planning, while clearly more powerful than the citizens, was as powerless as the same citizens in relation to the president. There were numerous occasions where President Moi imposed his will on the Director even when planned decisions had been made (Kloop, 2000; Maathai, 2007). A popular example was the

illegal sale in 1997 of large sections of the Karura forest in Nairobi to private developers with the police deployed to harass any protesting citizens (Maathai, 2007:262-272). However the Act provides the opportunities for citizen to participate in the approval of plans prepared by the Director.

The Act in section 19 outlines the circumstances when such citizen participation is envisaged. First, participation is invited upon completion of the plans. The mode of participation is by inspection of plans at specified places and specified times. The Act also requires such citizens who may have a contribution to make to the plan to write to the Director. The Act clearly states the role of Director in this citizen participation as:

The Director may in his discretion accommodate or decline to accommodate such representations or objections to the plan, and in either case, shall within thirty days of decision, notify the petitioner in writing accordingly, and shall give reasons in the case of decline (The Physical Planning Act, 1996 section 19 (3)).

Within this Act, citizens' participation is at the discretion of an evidently very powerful Director of Physical Planning. In section 19 (4) and (5) the petitioner is provided an appeal structure through the Physical Planning Liaison Committees and the Courts of law. But scrutiny of the structures proposed shows that any scope for participation in planning is notional. Part 11 provides representation in the Physical Planning Liaison Committees. These liaison committees are comprised of a four-tier hierarchy. This starts with the Municipal, then the District, to the Nairobi Physical Planning Liaison Committee, and finally the National Physical Planning Liaison Committee. These committees are comprised of virtually government officials. For instance of the 16 members of the National Physical Planning Committee, one member is drawn from the private sector. This member, according to the Act, should be a registered Physical Planner in private practice; and is appointed by the Minister responsible for planning. The same criterion applies for the other liaison committees.

Although the Act does not outlaw direct citizen participation in the preparation of plans, it is unlikely that planners acting on behalf of the Director in preparing plans would allow such participation. The main space provided for accountability between the state and citizens is through the plan approval process. My analysis revealed the spaces for accountability provided by the Act are so constricted that it remains contested.

Section 10 of the Act sets out the functions of the National Physical Planning Liaison Committee: (a) to hear and determine appeals; (b) to determine and resolve physical planning matters referred to it; (c) advise the Minister on broad physical planning policies, standards and viability; (d) to study and give guidance and recommendations on issues relating to physical planning transcending more than one local authority; and the other liaison committees as (a) to inquire and determine complaints made against the Director in exercise of his functions; (b) to enquire into and determine conflicting claims made in respect of applications for development permission; (c) to determine development applications for change of user or subdivision of land which may have a significant impact on contiguous land; (d) to determine development applications relating to industrial location; and (e) to hear appeals by persons aggrieved by decisions made by the Director or local authorities.

Thus, pursuant of the above functions, the liaison committees under the Act provide space for citizens to demand some form of accountability. According to section 11, the committees are supposed to meet at least once every month (section 11 (2)). In section 12 the committees are obliged to keep and file proceedings of the liaison committees with the secretary. However, the citizens may inspect these records at a prescribed fee, at specified times and places.

However, it is not clear what happens when the secretary does not allow the public to inspect these records. Without clearly specified sanctions and mechanisms that would ensure answerability, the spaces provided by the Act for accountability are too narrow to support any significant accountability. Moreover, with the immense power given to the Director and liaison

committees, the framework for urban planning in the Act is clearly not supportive of citizen participation, does not enable accountability and ultimately stymies opportunities for citizens to air their priorities and preferences in the urban planning processes.

The Physical Planning Act of 1996 creates the planner as subservient in a complex power arrangement. Whilst the Director is given considerable powers over planning, these do not mean much in the light of an extremely powerful president. Since the Act commenced, the Director has been overruled and in other cases simply ignored by the Office of the President. The sale of the Karura forest in Nairobi and other public places in Nairobi is just one example of the powerlessness (Maathai, 2007: 261) of a powerful Director of Physical Planning. For poverty reduction, the ramifications are dire. Because the poor are without a voice in decision-making it is unlikely that in a system of competing interests and priorities the interests of the poor would be promoted and secured by the Director of Physical Planning.

Even though the 1992 general elections were an apparent anti-climax for reforms and institutional change, an invaluable lesson on the dark side of power in institutions for the expectant citizens and politicians and others crusading the powerless citizens was learned. The mere amendment of the constitution and holding of multi-party elections does not necessarily equate to change in institutions, power relations and participation. The lesson was particularly well learnt to the extent that the opposition was not willing to participate in the 1997 general elections without meaningful reforms. The political elite remained powerful. Because there had not been any significant change in power when the elections were held, the institutions through which power is exercised remained intact, as citizens could not participate in decision-making. To change, a method that would increase participation was necessary. In mobilising the citizens, the mantra “No reforms, No elections” signified the resolve of the citizens and forced the government to seriously consider the calls of the hitherto powerless citizens and progressive opposition politicians (Odinga, 2013).

Therefore, to counter an increasingly restive population, a group of progressive and pragmatic politicians with the support of diplomats such as German Ambassador Bernd Mutzelburg crafted a bipartisan initiative, the Inter-Parties Parliamentary Group (IPPG) to facilitate consultations with the public and politicians. The original IPPG comprised Dr. Joseph Misoi from the government and opposition politicians Anyang Nyong, Paul Muite, Martha Karua, Kiriatu Murungi, Ooko Ombaka, Saulo Busolo, and Mukhisa Kituyi (Badejo, 2006; Maathai, 2007; Murunga and Nasong'o, 2007).

As the IPPG formed and consulted so did civil society initiatives under the auspices of the National Convention Executive Council (NCEC), the Citizens Coalition for Constitutional Change (4Cs), the National Council of Churches of Kenya (NCCCK), the Episcopal Conference of the Catholic Bishops, and the Supreme Council of Kenya Muslims (SUPKEM) (Badejo, 2006; Maathai, 2007; Murunga and Nasong'o, 2007). The exchange of and gradual change in power relations bore useful results. Chief of these was an agreement in 1997 of a threshold of legal and administrative reforms that needed to be implemented and a confirmation that President Moi would, for the last time, compete for the presidency in the 1997 elections.

President Moi went on to win the elections though with a mandate of 40 percent of the total vote cast. Although results showed an improvement for the president from 36 percent in the 1992 elections, his party had suffered losses in Parliament from 55 percent of the seats to 51 percent (Throup and Hornsby, 1998). With the president's ruling party KANU with 107 of the 220 seats in parliament, it was even much more difficult for President Moi to impose his will on parliament. Surprisingly, Raila Odinga a leading opposition leader, then of the National Democratic Party (NDP), formally cooperated with President Moi's KANU to assure Moi and the country the much needed stability to govern (Badejo, 2006; Maathai, 2007). Unsurprisingly, Raila Odinga's contemporaries in the opposition were angered and considered Odinga's cooperation the height of political betrayal and insubordination because he strengthened a vulnerable and seemingly weaker and increasingly less powerful president. With Raila Odinga's cooperation with

President Moi and a more vocal and courageous opposition under the leadership of Mwai Kibaki, a more supportive environment for institutional reform was realised (Badejo, 2006).

Moi's cooperation with Odinga is recognition by the latter of the former's power even though Odinga was relatively powerless compared to Moi. A reduced majority meant that the institutional framework was weakened and Moi was vulnerable. Citizens' participation in the election contributed to the weakening of Moi's oppressive institutional infrastructure. Moi's act to cooperate with Odinga's NDP signifies the usefulness of compensatory power (Galbriath, 1983). While Odinga was a political opponent of Moi, Moi was able to include Odinga's NDP in government. The inclusion of the NDP and offer share in Ministries resulted in the adjustment of the institutional framework. Therefore, the NDP was more empowered than before the cooption, and Moi still remained powerful in the context of a new institutional setup. With the new framework, it was therefore possible to include new priorities such as poverty reduction.

Therefore, from early 1998 to the beginning of the millennium, important legislation and policy germane to urban planning for poverty reduction were enacted and implemented. These included the 1997 Constitution of Kenya Review Act, the Local Authorities Transfer Fund (LATF) of 1998, the formal consultation and move to encourage citizen participation in constitution reform and, the Environmental Management and Coordination Act of 1999. I shall discuss each of these developments presently.

4.3.2 The Local Authorities Transfer Fund, 1998

The Local Authority Transfer Fund Act (LATF) was enacted in 1998 following the launch of the Kenya Local Government Reform Program within the Ministry of Local Government in 1996, as part of the fiscal reform package for local government. This Act establishes the fund and provides the framework for the disbursement of a share of revenue from central government to the

local authorities (5 per cent of income tax collected nationally). The Act also provides for the setting up of an Advisory Committee to advise the minister on the operation of the fund. In addition to specified government officials from the ministries of finance and local government, the minister appoints some people who are not public officers to serve on the Advisory Committee.

The private sector members of the current Advisory Committee represent the Association of Kenya Insurers, Institute of Chartered Public Accountants of Kenya, and the Federation of Kenya Employers. Councillors are represented through the co-opted membership of the Executive Secretary of the Association of Local Governments of Kenya. There is no representation from residents' associations and other citizens' groups that have been active in local government affairs.

The Local Authorities Transfer Fund Regulations enacted in the same year contain detailed regulations for implementing the fund. These regulations provide guidelines for the running of the Advisory Committee and criteria for the disbursement of funds. The 2004 amendment to the regulations, the stated objective of disbursements under the LATF is 'to improve service delivery to the public, to improve financial management and accountability...' (Local Authorities Transfer Fund Act, 1998, Regulation No.11). The regulations divide the allocation into two components (Regulation No.13):

- a service delivery component (60%) which is released upon approval of the local authority's budget, provided the following conditions are also met: that at least 50% of this service delivery amount must be allocated to capital expenditure, and that no more than 60% of the total budget is allocated to personnel (including councillors' allowances).
- a performance component (40%) which is released upon submission of a statement of accounts with an abstract submitted for audit to the Controller and Auditor-General, statement of debtors and creditors, revenue enhancement plan and a Local Authority Service Delivery Plan (LASDAP).

The regulations do not specify how the councils or the management of the fund at the ministerial level shall account to the public, or receive any input or feedback from the public concerning the fund's operation. This is left to the administrative guidelines issued by the ministry of local government, the Local Authority Service Delivery Action Plan (LASDAP) guidelines issued to accompany the fund.

And so, since the Act does not alter the powers of the Ministers of Finance and Local Government, the usefulness of this law is to specify additional resources available for local authorities. If the current institutional setup does not provide any pathway for empowerment and focus on poverty reduction, the LATF only strengthens the status quo. It is also unreasonable to expect that poverty reduction would be meaningfully addressed without sanctions provided in the Act or changes in the power relations and institutional framework.

4.3.3 Environmental Management and Coordination Act, 1999 (EMCA)

This law was enacted in 1999. It aims to create an appropriate legal and institutional framework for the management of the environment. The Act provides for NEMA in consultation with the relevant lead agencies to undertake or commission other persons to undertake national studies and give due recognition to developments in scientific knowledge relating to substances, activities and practices that deplete the ozone layer to the detriment of public health and the environment. In this Act are provisions that are potentially supportive of citizen participation and likely to enhance citizen-state accountability in urban planning. Some examples of such provisions are discussed here, namely:

- The creation of provincial and district-level Environment Committees;
- Allowing for public input into the Environmental Impact Assessment process;

- Opening up to the public the proceedings of the National Environment Tribunal;
- Generous *locus standi* rules that make it easier for citizens and citizen-groups to initiate actions in the public interest in defence of the environment.

From the above, it is clear that spaces for participation are further opened up. However, the EMCA creates an additional institutional layer that may not necessarily improve urban planning for poverty reduction. Moreover, opening space for participation and empowering citizens to participate are different yet important to improve citizen participation in urban planning. As Arnstein (1969:216) would say, “participation is the redistribution of power that enables the have-not to be deliberately included.” In addition to the space, measures that ensure deliberate inclusion should have been incorporated in the EMCA. In contexts of oppression by the state, the provisions in the EMCA can be used to undermine participation when the powerful state argues that because there are such provisions citizens should be participating.

The provincial and district Environment Committees are created in order to delegate the functions of the National Environment Management Authority to the local level (section 29). At the provincial level, in addition to the Provincial Commissioner, ministry representatives, local authority representatives, and representatives of regional development authorities in the area, the Act provides for the representation of the following on the committees:

- Two representatives of farmers or pastoralists within the province;
- Two representatives of the business community operating within the province;
- Two representatives of NGOs engaged in environmental management programs within the province.

Except for the NGO representatives whom the minister appoints in consultation with the National Council of Non-Governmental Organisations, exclusively the minister responsible for the environment appoints all the

committee members. At the district level, in addition to the relevant government officials (central and local), the following are included on the District Environment Committee:

- Four representatives of farmers, women, youth and pastoralists within the district;
- Two representatives of the business community in the district;
- Two representatives of NGOs engaged in environmental management programs in the district;
- Two representatives of community-based organisations engaged in environmental programs operating in the district.

Although, similar to the provincial committees, except for the NGO representatives whom the minister appoints in consultation with the NGO Council, the minister makes all these appointments to the committees. This provision arguably enables a high degree of citizen participation in urban planning, particularly in environment related issues, because these bodies are not just consultative. As committees of NEMA they are actually empowered to take substantive decisions concerning environmental management in the areas over which they are appointed (section 30). Moreover, these committees are also charged with preparing five-yearly District Environment Action Plan (DEAP) (sections 39 and 40). The DEAP is a significant input into environmental policy at the District and province.

Progressive as the EMCA may be, the environmental committees are not without weaknesses. The main ones are inherent in the stakeholder model that informs the creation of these structures: it cannot claim to be broadly inclusive. While the use of the stakeholder model may be inevitable for the representation of so many diverse interests, there are still obvious weaknesses that undermine the effectiveness of the EMCA in how it operationalises the stakeholder model. First, even with consultations, it is doubtful there are community or city level processes that inform ministerial appointments to the committees. Moreover, it is not clear what informs the minister's appointments. It is not clear whether such appointments consider

representativeness, special interest and others. Because the Act is silent on these details, the degree of citizen representation and participation via this model can only be ascertained through empirical evaluation.

In the EMCA framework, anyone proposing to undertake a project must undertake an Environmental Impact Assessment (EIA) before embarking on the project (section 58) and submit an EIA study report to NEMA. Section 59 then requires that upon receiving the report, NEMA must publish a notice in the *Gazette* and in a newspaper circulating in the area in which the project is proposed to be undertaken for a period of two successive weeks. The public notice must contain a summarized description of the project, identify the place where the project is to be carried out and inform the public where they may go to inspect the full EIA report, and also specify a time limit of 60 days within which any interested member of the public may submit oral or written comments on such EIA report. Interested persons are given the option of applying for extension of the 60-day time limit in order to secure a reasonable opportunity for submission of comments.

These provisions afford reasonable opportunity for public input into NEMA's decisions and participation in the granting of EIA licenses. Nonetheless, it is not clear whether NEMA is under obligation to take this public input into account, and what recourse, if any, a citizen or citizen-group would have should NEMA disregard their input and proceed to issue a licence. Because NEMA is not required to publish justification to the public for its decision to grant or to refuse a licence to an applicant, it seems that upon making a decision the citizens have no further role. The matter thus becomes an issue between NEMA and the applicant. The applicant may file an appeal to the National Environment Tribunal to challenge NEMA's refusal to grant a licence, or to challenge the imposition of a condition or restriction on the licence, the suspension or varying of a licence, or the amount of fees imposed (section 129). EMCA does not provide for an appeal to the tribunal by a member of the public or an interested party or group who may object to the granting or refusal of a licence. On this point, therefore, the degree of citizen participation

appears to be limited to consultation, without much impact on actual decision-making.

Section 126 of EMCA enjoins that all proceedings before the National Environment Tribunal shall be open to the public, except where the tribunal 'for good cause' directs otherwise. This shows a clear intention to involve citizens and citizen groups in the work of the tribunal as it adjudicates conflicts of an environmental nature. The requirement placed on the tribunal to show 'good cause' for decisions taken in particular cases to bar the public from proceedings leaves open the possibility of challenging the reasonableness of such a decision before a court of law. This is unlike the unchecked discretion given to the liaison committees and the Director of Physical Planning in the Physical Planning Act or the local authorities under the Local Government Act to bar the public and media for the mundane reason of lack of space. This provision potentially enables citizen participation in the process. However, this is qualified participation as the scope of the tribunal is limited to disputes between project proponents and NEMA, with the public being reduced to observers rather than active participants.

The EMCA seems to be informed by a rationalistic view of participation – where citizens' participation is motivated by the need to receive maximum benefits at the least cost. Although it is a positive opportunity, participation is unlikely to be engendered, because citizens, especially the poor, are not given a direct role to participate in decision-making. Moreover, they still lack resources, are not well motivated, and their social capital is sometimes eroded.

The *Locus standi* rules - in legal parlance, meaning legal capacity to initiate proceedings in a court of law, in the EMCA are progressive for having revolutionised the *locus standi* law in Kenya. Prior to EMCA, the only authority recognised as having capacity to initiate legal proceedings to defend the public interest not only with respect to environment but also in all matters involving the public interest was the Attorney General. But following EMCA, any member of the public, whether or not directly affected by an incidence of

environmental degradation, is entitled to bring a case before the courts (Section 3(3) and 3(4)). This provision clearly and in an important way opens up space to challenge the unequal power relations. However, access to justice in Kenya remains limited because of the prohibitive fees claimants need to pay before the courts can hear their complaints.

Furthermore, this provision enables a significant degree of citizen participation because it puts decision-making in the hands of citizens. Citizens no longer have to wait for the Attorney General to exercise his discretion and decide whether to prosecute, unlike in the case of criminal prosecution of corruption cases or cases involving violation of human rights. But the effectiveness of the *locus standi* is yet to be a subject of public interest litigation that promotes urban planning.

Obviously, the EMCA created several institutions and decision-making processes, and the degree of answerability varies amongst them. The Public Complaints Committees created under section 31 secure a great degree of answerability on behalf of the public. This is because the committee is given a wide-ranging investigative power with respect to any allegation or complaint from any person, against any person, including against NEMA itself, relating to the condition of the environment anywhere in Kenya (section 32). The committee may also undertake investigation at its own initiative on any suspicion of environmental degradation. There is also a strong requirement as to record keeping. The requirement that the National Environment Tribunal's proceedings be made public, for instance, creates an obligation to make the forum publicly accessible and enables public keen scrutiny of the quality of its decision-making.

Section 139 (a) makes it an offence for anyone to fail to keep records required under EMCA. This provision would apply to the officials of NEMA and the other institutions created under the Act, just as much as it does to the entities whose conduct NEMA regulates. This ensures that there is a record for public inspection and scrutiny when necessary. These are strong provisions in support of institutionalising answerability. However, there are other provisions

that point to a lower degree of answerability. For instance, while there are provisions requiring financial accountability in NEMA and its management of the funds created under EMCA (sections 23-27), there is no direct requirement on the part of NEMA to give an account of its activities when it files the annual 'state of the environment' report (section 9(3), in the same way that the Kenya Anti Corruption Commission (KACC), for instance, is required to report on its activities to parliament.

The EMCA creates various institutions with significant power to effectively exercise their mandate so as to sanction other governmental and non-governmental actors. EMCA makes it a criminal offence for anyone to fail to comply. Stiff penalties are imposed for non-compliance. For example, anyone who obstructs an environmental inspector or fails to grant access for such inspection or gives false or misleading information to such inspector is liable to imprisonment for a term not exceeding 24 months or to a fine of a maximum of half a million shillings, or both imprisonment and fine. Anyone who fails to submit an EIA or gives false information in an EIA is liable to imprisonment for a term not exceeding 24 months or to a fine of no more than two million shillings or both imprisonment and fine.

The EMCA also makes it an offence for anyone summoned who fails to attend the National Environment Tribunal or refuse to take an oath or to give false evidence or disrupt the proceedings or fails to comply with an order of the tribunal. In all these cases with criminal penalties, NEMA's powers are not merely of referral to the Attorney General. EMCA does not mention referral to the Attorney General at all. NEMA has power to bring charges under the environmental offences created under EMCA, and is not held hostage to the exercise of prosecutorial discretion by the Attorney General.

4.4 Legal and Policy Changes in the new Millennium

The first decade of the new millennium is arguably one of the dynamic in terms of legal and policy changes that had profound impacts on the relations of power, the participation of citizens, especially the poor in governance, political institutions, and on the institutional framework for poverty reduction. By 2000, Raila Odinga's NDP was quickly acceding to demands to transform from a mere cooperating partner to becoming an integral part of what would be a reconstituted KANU – new KANU. Raila Odinga and three other colleagues in June 2001 joined the cabinet with Raila Odinga as Minister of Energy (Badejo, 2006:196). Uhuru Kenyatta, son of the founding president also joined the cabinet as Minister of Local Government and a nominated Member of Parliament.

The cooption of political rivals such as Odinga into Moi's government and the inclusion of Uhuru Kenyatta, point to changing power relations and transformation in the institutions. By co-opting Odinga, Moi confirmed that even though he was an imperial president, his powers were diminishing. Correspondingly, I contend that Odinga's acceptance was both an indication of his increasing power and further confirmation that even though relatively powerless, he still was powerful enough to bolster Moi's presidency.

Shortly after Uhuru Kenyatta and Raila Odinga's entry into cabinet, the country experienced one of the fastest changing political environments. One of the most significant developments at this time was the merger of the NCEC and Parliamentary Committee (Raila Odinga-led) on constitution review processes to create a widely accepted national constitutional review process popularly known as the Professor Ghai Commission (Badejo, 2006; Bannon, 2007). With the certainty that President Moi would be leaving office for good after twenty-four years, and the uncertainty about the future of reforms, especially the constitutional reforms, the contention for retention of the *status quo* characterised much of the institutional changes within the political institutions. Together with Raila Odinga as a pivotal and influential politician in the New KANU and a high likelihood of him succeeding Moi as president, the

opposition quickly coalesced and Moi then tried to impose Uhuru Kenyatta, then a political novice, as his preferred successor.

As accounts of this period (Badejo, 2006; Maathai, 2007; Murunga and Nasong'o, 2007) show, Moi was not successful as his actions triggered internal dissent in KANU that led to an implosion of unprecedented levels. Raila Odinga led a revolt in KANU, moving out with a significant number of Ministers to form the Liberal Democratic Party (LDP). Later the LDP merged with the Simeon Nyachae Ford People Party to form the Rainbow Alliance. The Rainbow coalition then merged with another budding coalition of opposition parties, the National Alliance Party of Kenya (NAK) led by opposition luminaries such as Mwai Kibaki, Charity Ngilu, and Kijana Wamalwa. The merger between the Rainbow Alliance and the NAK resulted in Kenya's first serious coalition of opposition parties that gave rise to the super alliance, the National Alliance Rainbow Coalition (NARC) where a dozen opposition leaders worked collaboratively to ensure KANU did not win the elections (Odinga, 2013).

Invariably, Raila Odinga was credited with successfully mobilising resistance against KANU and President Moi's stranglehold over Kenya's social, political, and economic development. After forty years in power KANU's dominance was successfully altered. President Moi's twenty-four year reign as an imperial president was also brought to an inevitable end. Moi's decision to disband on-going discussions on constitutional reform at the National Delegates Conference was one of his last efforts at scuttling the reform momentum.

The NARC contested and prevailed in the successful and peaceful 2002 general elections. Mwai Kibaki as leader of NARC won an extraordinary mandate of 61 per cent of the vote, whilst Uhuru Kenyatta, Moi's successor, garnered an unprecedented low of 30 per cent. KANU's parliamentary majority dwindled from 51 percent in 1997 to 29 percent in 2002. One of the major campaign issues was NARC's message and promise for fundamental

change and reforms within the first 100 days. These changes included a new people-driven constitution.

In view of the above, an important development that resulted from the elections was the rise of Raila Odinga as Kenya's most pre-eminent political strategist. Although NARC was the dominant party in parliament, in this alliance the LDP had the highest number of seats. The results of the elections easily demonstrated Raila Odinga's rise: In 1997, whilst KANU won 111 of the 222 seats in parliament, NDP managed only 22 seats (Institute for Education in Democracy, Catholic Justice and Peace Commission, and National Council of Churches, 1998). But in 2002 Raila's NDP won 62 of the 224 seats in parliament whilst Moi and Kenyatta's KANU managed 68 seats. Raila Odinga's rise had serious implications on power and institutional development in the post-Moi era or Kibaki presidency. I shall return to this discussion and objectively state the legislative and policy developments of this epoch. I shall commence with the Water Act of 2003.

4.4.1 The Water Act 2003

The Water Act was enacted in 2003 to provide a legal and institutional framework for the management of water resources and regulation of the provision of water services. This Act sets up various bodies. To realise the objective of management of water resources the Act establishes the Water Resources Management Authority, consisting of a chair appointed by the President, and ten other members appointed by the minister (section 7). Under the Authority are regional offices in catchment areas, and a network of Catchment Area Advisory Committees.

For the objective of the regulation of the provision of water services the Act sets up the Water Services Regulatory Board (section 46). This consists of a chair appointed by the President, and ten other members appointed by the minister. Water Services Boards are then licensed by the Regulatory Board to provide water services, and they in turn may enter into agreements with Water

Service Providers to act as their agents in the actual delivery of water services. The Act also establishes a Water Services Trust Fund, a mechanism for financing access to water services in areas that are inadequately served (section 83). Finally, the Act sets up a Water Appeal Board to hear appeals from decisions of any of the institutions under the Act, including those of the minister (section 84).

The Water Act provides several spaces for public consultation. For instance, under section 11(1) the minister is required to conduct a public consultation in order to formulate a national water resource management strategy, and for the periodic review of such strategy. The same requirement is made in section 49 with regards to the formulation of a national water services strategy. The same phrasing – “public consultation” is used in section 15, which requires the Authority to carry out such consultation in formulating a strategy for management, use, development, conservation, protection and control of catchment areas, and to publish such strategy and periodic reviews of it in the *Gazette* (Water Act, 2003, section 15).

But the Act does not provide details, neither in the statute nor under the Schedules and Subsidiary Legislation, on how public consultation is to be conducted. The only specification is that the strategies and any periodic reviews of them must be published in the official *Gazette*. The *Gazette* is an obscure government publication little known beyond the narrow circles of lawyers, researchers and parliamentarians. Moreover, the perception of the subject as being technical is likely to deter citizen participation.

The provisions for consultation do not go far enough. As an example, section 15(3) (e) gives the initial impression that the Authority will take the additional step of facilitating citizen organising, presumably for a strengthened role in governance. Section 15(3) (e) requires the Authority to ‘provide mechanisms and facilities for enabling the public and communities to participate in managing the water resources within each catchment area.’ In addition, this section requires that the catchment management strategy ‘shall encourage and facilitate the establishment and operation of water resources users

associations ...for conflict resolution and co-operative management of water resources in catchment areas'. The facilitative role envisaged for the Authority is ambiguous.

Moreover, the exact nature of input that is expected of the water resources users associations into the process of decision-making is unclear. For instance, how important is their input in decisions as to water allocation plans, or revisions to the water catchment management strategy? Are they simply consulted, or are only disputes referred to them, or do their views actually count in shaping the decisions of the Authority? Is the Authority under obligation to involve the water resources users associations in making decisions concerning the catchment area? What recourse do they have if their views are not taken into account in decision-making?

Also, another channel for citizen participation under the Water Act is through the Catchment Area Advisory Committees (CAAC), consisting of a maximum of 15 members who are appointed by the Authority in consultation with the minister (section 16). These committees advise the authority's regional offices on water resources conservation, use, and apportionment of water, and the issuing, variation and cancellation of permits. The composition of the committee follows a stakeholder model very similar to the one used under EMCA in constituting the district-level Environment Management Committees. Apart from representatives of relevant ministries, regional development bodies and local authorities, representation is brought in from farmers or pastoralists in the catchment area, business community, non-governmental organisations involved in water resources management programs in the area, and any other persons with demonstrated competence in matters relating to water resource management.

The work of the advisory committees is thus enhanced by the secretariat of the Authority. This secretariat provides secretariat services, logistical and administrative support. Because of the closeness in the mechanisms for participation and accountability provided by the Water Act and EMCA, similar

questions to those related to the EMCA's district-level committees arise here as well.

The Water Act is therefore an example of a 'pocket' of guaranteed public access to records despite the absence of a national law on freedom of information. Both the Water Resources Management Authority and the Water Services Regulatory Board are required to prepare annual reports of their work and activities (Sections 18 (5) and 50(5) respectively). Under sections 18(6) and 50(6) any member of the public, on payment of the prescribed fee, shall have access to information contained in any national information system and shall be supplied with a copy of the annual report. In this respect, the Water Act is strong on answerability to the public. However, weakness arises from the public consultation requirement discussed earlier. It is vague, yet grants the Authority the powers to flout it altogether in some instances. Section 29(4) requires public consultation in the process of application for a permit, and also where applicable, an EIA under EMCA.

Provision is also made for any person opposed to the issuing of a water extraction permit to object in writing to the Authority (section 29(5)). Section 33 allows the Authority to issue a permit without subjecting the application to public consultation 'if in its opinion exceptional circumstances warrant such action'. The only consideration the Authority is required to take into consideration in exercising this power is the extent to which the grant would be likely to interfere with the domestic requirements of other users (section 33(2)). Such a permit granted without public consultation can only be valid for a maximum period of one year.

The discretion given to the Authority is much too wide to secure citizen participation or even enhance accountability. There should be a process for any water user aggrieved by this exercise of discretion to question it. There ought also, at least, to be a requirement that the Authority reports periodically on the number and nature of such applications it has approved of and its reasons for exempting those applications from the requirement of public consultation.

The sanctions also show strengths and weaknesses. An important strength is that both the Authority and the Regulatory Board are put under strict time deadlines to respond to applications for water permits and water service provision licences respectively. If they have not determined the application within 6 months of it being lodged, they must refund to the applicant any fee charged for the service (sections 57(10) and section 29(8)). It is, however, doubtful that applicants are informed of this sanction against the institutions.

Another strength is that all decisions made by the statutory bodies and their various committees, as well as decisions made by the minister, are appealable to the Water Appeal Board by any person who is affected directly by such decision. The appeals must be lodged within 30 days of the date the person was notified of the decision or such other period specified in the relevant provision of the Act, unless the Appeal Board is convinced that he/she has shown good cause for filing the appeal late. Section 87(4) provides that the judgement of the Appeal Board is final, except that a matter of law may be appealed to the High Court.

The weakness in the sanctions relate to prosecution of the Authority and Water Regulatory Board. The Authority and the Regulatory Board can only prosecute offences arising under the Act with the consent of the Attorney General (sections 8(2) and 47(2) respectively). This reliance on the Attorney General's discretion is obvious in terms of curtailing accountability. The other weakness is the absence of details on an accountability structure to govern the Water Services Trust Fund. The Act appears to leave details of the accountability structure to the Minister's discretion as he prepares the trust deed.

4.4.2 Constituencies Development Fund Act of 2003

This Act was enacted in 2003 to transfer 2.5 per cent of all government ordinary revenue collected in each financial year into development spending at the constituency level, under the stewardship of the Member of Parliament (MP). The Act establishes a National Management Committee (NMC) (section

5) which has oversight over management of the fund. The process of identifying projects is supposed to originate from the level of the location, through to a Constituency Development Committee. All constituency proposals for development are then discussed by a District Projects Committee, which plays a co-ordination and harmonising role over all project proposals presented by the various constituencies.

Thereafter, each MP submits his/her constituency proposals to the Clerk of the National Assembly who tables them before the Constituencies Fund Committee (sections 39-43), a committee of parliament drawing its membership from backbenchers. The Constituencies Fund Committee vets the proposals and advises the Clerk who then forwards the proposals with any amendments to the National Management Committee which is responsible for making the necessary disbursements based on allocations to each constituency already approved by parliament for the financial year in question.

The stakeholder's model is used to constitute the NMC. The Permanent Secretaries in the relevant ministries (finance, planning, regional development, agriculture) and the clerk of national assembly, by virtue of their positions are obvious members of the NMC. There are another 8 persons (who must be qualified in finance, accounting, engineering, economics, rural development or law) who are appointed by the minister, from a list of 16 nominations submitted to the minister by stakeholder groups. The stakeholder groups entitled to nominate are: Kenya Farmers Union, Institute of Engineers of Kenya, Kenya National Chamber of Commerce Catholic Church, Kenya National Union of Teachers, NGO Council of Kenya, the National Council of Churches of Kenya, and the Supreme Council of Kenya Muslims. Unlike the other laws, for example the Water Act and LATF Act, at least an effort is made to include the non-formal sector through an inclusion of the farmers' union.

The Constituencies Development Fund (CDF) Act sets up the Constituency Development Committee, popularly referred to as the CDF Committee at the local level. The CDF committee comprises the Member of Parliament (MP), two councillors from the local authorities represented in the area, one District

Officer (DO), two persons representing religious organisations in the constituency, two male representatives from the constituency, two female representatives from the constituency, one person representing the youth, and one nominee from amongst NGOs active in the area. Although the Act specifies the social groups to be represented in the area it does not make explicit the process to be followed in selecting them. Hence, the practice of constituting the committees has invariably varied, from nominations based on consultations in local leaders' forums to opaque unilateral appointments by the MP, to location-level elections.⁸

The assessment of the degree of citizen participation in this committee model, therefore, can only be made based on assessment of practice in each constituency, since the Act gives the MP absolute discretion as to process. With respect to actual participation in projects, community members (usually organised into groups) may request funding from CDF by submitting a proposal. If they secure funding, then they must set up an elected project committee to manage the project. For projects not initiated through a community proposal the local community may request to be allowed to nominate representatives to represent the community's interests on any project being undertaken in their area (section 38).

In addition to the direct participation which can only be accessed by some (given funding limitations), there is a broad-based citizen role but this only goes as far as the identification of priority projects at the location level. Section 23(3) requires the MP to hold meetings in every location in the first year of parliament and in every two years subsequently, for the purpose of identifying project priorities. There is, however, no further requirement to hold broad-based consultation. Therefore, consultations are only held at the start of the project cycle. No provision is made for citizen input into the CDF committee's work, in implementation or in monitoring of standards and probity as the work goes on, or in evaluating it at the end. There is no requirement on

⁸ This is based on anecdotes from some men, residents of Viwandani ward, during a focus group discussion.

the committee or MP to come back to the location level and explain its decisions. Citizen participation under the CDF Act is therefore limited.

Submission of returns is to the National Management Committee (section 6(1) (c) and (d). There is no constituency-level or location-level feedback mechanism. The Constituency Development Committee is not required to publish accounts or give reports at constituency level. It is much easier to obtain information on CDF projects in your constituency from the NMC's website than it is to obtain it by walking into your local CDF office. From the above, it is clear that all the mechanisms for answerability under the CDF Act are directed upwards to the national level. Yet at the national level there are structural limitations on how much answerability citizens can expect.

The NMC submits reports and monthly returns on the movement of funds to parliament (section 6(1) (e). The NMC is essentially reporting to the same MPs who have given the NMC an account of how they have managed the funds at the constituency level. The only answerability that could come out of this exercise is peer answerability; having an MP's record scrutinised by fellow MPs. The MPs have since the enactment of the CDF Act exhibited a surprising interest in lax scrutiny, thus issues of such a nature are unlikely to be major. In Figure 4.1, a press report of April 1, 2010 highlights the accountability challenges citizens face in planning through the CDF. It shows an independent audit report on the use of some of the CDFs. The flip side of this is that there are no sanction mechanisms. For instance, if the NMC's report to parliament on matters similar to what is covered in Figure 4.1 faces such challenge, there are no sanctions to deal with such an eventuality.

Section 51 makes it an offence for anyone to misappropriate or to cause any person to misappropriate CDF funds or to apply them in a manner that contravenes the Act. The offence attracts imprisonment for a maximum period of five years or a fine of 200,000 shillings, or both. This is laudable. However, since there is no specially designated prosecutorial authority, it must be presumed that this is left to the general system of prosecution in the country

and therefore the matter will be referred to the Attorney General for prosecution. But the sanction under section 51 is limited in other ways.

Figure 4.1: Typical Accountability discourses on the CDF

Board faults audit report on CDF use

By NATION Reporter

An audit report on the Constituency Development Fund lacks credibility, the government has said.

In a statement from the CDF board, the government questioned the audit, carried out on 17 constituencies, saying that several of the projects described as "ghosts" were, in reality, a case of re-allocation.

"The projects were not implemented for reasons that were communicated to the board and the approval to spend the money on alternative projects was sought and granted," said the statement that appeared as an advertisement in yesterday's *Daily Nation*.

The audit, released by the National Taxpayers Association, said the government lost Sh445 million through the theft and mismanagement of the funds in the 2006/07 and 2007/08 financial years.

It reported also that Sh78,898,544 allocated to five local authorities as Local Authority Transfer Funds in 2007/08, could not be accounted for.

The constituencies said to have misused funds include Embakasi, Makadara, Kamukunji, Mathira, Bondo, Gem, Aldai and Amagoro.

But the board said managers, who were its employees, had confirmed that the "ghost" projects do exist.

Despite the problems, the board said, CDF had been a success story, with more than 35,000 projects initiated all over the country.

The programme has so far received a total of Sh56 billion for 210 constituencies since its inception in 2003.

In the current financial year, it has been allocated Sh12.33 billion.

445m

The amount in shillings claimed to have been lost

The board said that although it welcomed audits by lobby groups on the use of the fund, it urged them to first verify the information with its officers.

The National Taxpayers Association audit had named Makadara and Mathira as having the worst record on the use of CDF.

According to the audit, Makadara could not account for Sh30 million, while Sh5.7 million already spent was listed as "wasted" on badly executed projects in the 2006/2007 and 2008/2009 financial years.

Source: Daily Nation, April 1, 2010.

Regulation 6 of the CDF Act's Subsidiary Legislation, for example, requires that members of any committee created under the Act must disclose any direct or indirect personal interest in a matter before the committee. Such disclosure of personal interest must be recorded in the minutes, and the member concerned should not take part in the deliberations, nor influence another member in the committee's decision-making process. Yet no sanctions or consequences are specified should a committee member fail to disclose such personal interest, or exercise undue influence on another committee member, or indeed for the committee's failure to observe these

rules of procedure. Such misconduct is not listed among the grounds on which a committee member should vacate office under Regulation 8.

There is no sanction provided for against an MP's failure to exercise, or wrongful exercise of power. Even if one needed to verify the extent to which an MP convened location-level meetings as required by section 23(2) in the first year of a new parliament and every two years subsequently, such a task would not only be arduous but also contentious as the CDF Act fails to provide such measures. Similarly, there are no provisions to address cases where an MP simply flouts all the requirements of the constitution, the committees and in implementing CDF projects. There are also no channels provided for citizens to identify their priorities, preferences, or even raise their objections. Therefore, on the sanction measure of accountability the CDF Act fails miserably as no sanction is attached at all.

On the whole, the accountability structure under the CDF Act is defective. As is widely expressed in the CDF debates in Kenya, the CDF flouts the most basic of rules about separation of powers in a democracy. MPs are at one and the same time the approving, spending and scrutinising authority. Given this flaw in the architecture of the fund, the accountability gaps identified are justifiable. These obviate the need for independent citizen initiatives in monitoring and implementation. The sanction that is available to citizens in this milieu is to withhold their vote from MPs who fail to manage the fund in an efficient and non-discriminatory manner.

Although positive changes were being implemented in terms of policy and legislation, negative changes were also taking place at the institutional level. Perhaps because of the painful experiences of a powerful imperial president during the previous 40 years, Raila Odinga's contemporaries in NARC were resentful of his fortunes and growing power and influence. His erstwhile partners in resistance sequestered him and set out to contain his power (Horowitz, 2008; Amutabi, 2009). This crusade against Raila Odinga unavoidably led to a shift in NARC's priorities. President Kibaki and his close allies were no longer interested in changing the constitution. An institutional

framework that favoured an imperial president with unfettered power was no longer a problem for President Kibaki and his supporters. A memorandum of understanding signed by members of NARC before the 2002 elections were disregarded and Raila Odinga was increasingly isolated and demonised (Badejo, 2006; Amutabi, 2009). For instance, the first parliamentary business for the NARC government was to ensure that Raila Odinga did not continue as chair of the influential committee of parliament responsible of legal and administrative affairs. His LDP received fewer positions in cabinet compared to its parliamentary strength.

An analysis of how power was shared reveals a deliberate strategy to contain Raila Odinga and his party, the LDP's influence and power. For instance, of the twenty-six cabinet positions in March 2003, Raila's LDP had the same number of positions as Mwai Kibaki's Democratic Party Yet in parliament LDP had twice as many members as the DP. Moreover, of the so-called eleven powerful ministries, of Mwai Kibaki's DP colleagues were appointed to seven of these whilst the LDP were assigned to three and the one to another of the constituent parties of NARC. The ministries that Kibaki allies controlled included: Finance, Defence, Office of the President – Internal Security and Provincial Administration, Local Government, Lands and Settlement, Justice and Constitutional Affairs, and Education. The LDP controlled Roads, Housing and Public Works; Energy; and Foreign Affairs. To further contain the rise of Raila Odinga, Kibaki reverted to the colonial tactics of the colonial, Kenyatta, and Moi governments.

Surprisingly, even though his colleagues had humiliated him, Odinga shifted his attention to the constitutional review process. The constitutional review process that had stalled in the twilight of the Moi presidency was revived but not without intrigue (Bannon, 2007; Kidinki, 2007). There were endless contentions on the mode the review was to take, who was to participate, and the distribution of power and access, control and the use of national resources, as well as addressing historical injustices and the wide spread of inequalities, including poverty (Hornsby, 2012:722-724; 738-742). The struggle for power and control of the constitutional review process was very

intense but when President Kibaki's allies sensed that they could not prevail, they abandoned the Bomas conference, arguing that Raila Odinga had influenced the outcomes (Bannon, 2007).

Major contentions on the system of government, distribution of power, inequality, persisted. The Professor Ghai-led conference completed a review of process and the national conference adapted a draft, and although it expressed the majority views of the population, these views were at variance with those of the powerful coterie of allies of President Kibaki. Recommendations from Bomas were subject to further reviews by the president's trusted allies ensured that parliament changed the people's draft to what came to be known as the Nyachae recommendations and later Wako draft (ibid.). With this victory, President Kibaki felt strengthened to hold the national referendum in 2005 but this was to be proved to be his undoing.

In my view, holding the 2005 plebiscite can be considered as one of Kibaki's ill-advised political decisions and inelegant use of power. His poor treatment of Raila Odinga and the LDP, the blatant promotion of corruption and tribalism, predilection for the *status quo* (a president with imperial power) easily served as effective mobilising tools for the wider public that felt marginalised by a few elite and members of a single tribe – the Kikuyu (Hornsby, 2012:710-721; 725-727). Raila Odinga, the LDP and other political parties such as KANU and the others who felt marginalised easily campaigned against the draft constitution and overwhelmingly prevailed at the referendum.

President Kibaki's response to the outcome of the referendum further inflamed the already tense relationship between the Kikuyu and the other tribes. He sacked Raila Odinga and his LDP counterparts from government and, instead, formed a government with parties and individuals who competed against NARC and specifically the LDP. Whilst Kibaki remained president, his legitimacy was sorely eroded. Two years after the referendum Uhuru Kenyatta, who was leader of opposition in parliament, quit this position and joined Kibaki's presidential campaign team in a move that, in the public

domain, was largely interpreted as motivated more by tribal considerations to ensure Kikuyu hegemony of Kenya's socio-political and economic affairs (ibid.:750). The reform process again stalled and the promise for addressing poverty became bleak. The aggrieved politicians who had been excluded from government started preparing for the next elections to be held in 2007.

Following the humiliation Kibaki suffered at the 2005 referendum and the subsequent severance of relations with Odinga's LDP, it was clear the Kibaki-Odinga political union was severed. Without a new constitution and faced with a threat of stifling democracy, the 2007 election was the logical forum for contesting power between Kibaki and Odinga and their respective allies; the citizens and the government; and between the Kikuyu and the other Kenyans. The 2005 referendum had set the battle lines and established the main protagonists – Kibaki and Odinga. When the elections were finally held in December 2007, Raila Odinga presented a credible challenge.

The run-up to the 2007 elections was relatively peaceful. Opinion polls throughout the campaign periods indicated a growing popularity for Odinga. According to Cheeseman (2008), the final public opinion poll by the respected Steadman Group whilst declaring the presidential race too close to call, also showed Odinga leading with 45 per cent to Kibaki's with 43 per cent. Once again, Raila Odinga presented both a credible threat to the *status quo* represented by Kibaki and his party – the Party on National Unity. But more importantly, Odinga was perceived as representing reform, a new constitution that would devolve power to the citizens, and focus on poverty reduction and inequality (Hornsby, 2012:754-755).

Voting on Election Day, 27 December 2007 proceeded peacefully. With 9.8 million voters participating and 70 per cent voter turnout, this was clearly Kenya's biggest and most credible poll. But that was as far as the credibility went. When the head of the Electoral Commission of Kenya (ECK) announced the 'official' results, all credibility had petered out. Disputes between Odinga's ODM and Kibaki's PNU agents at the national voting tallying centre had been relayed on live television broadcasts, and there was

a consensus even within the ECK that the voting counting exercise had been grossly tampered with, the ECK head at one time publicly remarked, “Returning Officers are cooking results” (ECK press briefing on Saturday 29 December 2007).

These contestations notwithstanding, the ECK head, sequestered and under heavy military and police protection, on national television, announced Kibaki as winner of the presidential election with 46 per cent and Odinga as runner-up with 44 per cent of the vote (Electoral Commission of Kenya, 2007). These election results generated further controversy. It was baffling that Kibaki won as president but his party, PNU only managed to win 43 seats out of the 207 seats competed for, whilst Odinga’s ODM won convincingly with 99 seats. Invariably the pattern of the results lends credence to the analyses that shows that the results of the presidential elections were grossly flawed (Gibson and Long, 2009; Kanyinga *et al.*, 2010).

In less than two hours, the ECK head presented the certificate of the results and Kibaki was sworn in at dusk at a hurriedly arranged inauguration at the State House under extremely heavy security presence. This turn of events was in total contrast to Kibaki’s inauguration five years earlier that was done in broad daylight at the famous public square, the Uhuru Park, in the presence of at least half a million citizens (Hornsby, 2012:696). As expected, Raila Odinga and ODM rejected the results and violence broke out in no small measure.

The controversial announcement of widely discredited results (Cheeseman, 2008, Gibson and Long, 2009; Kanyinga *et al.*, 2010) and hasty inauguration of Kibaki as president, I argue, are the critical events that tipped an already tense situation into what became Kenya’s unprecedented post election violence. Whilst the developments that led to a new constitution are significant, these are not covered in this thesis. But I consider the new constitution promulgated by the coalition government of Kibaki and Odinga in August 2010 important. I turn to the implications of the new constitution for power, institutions, and poverty reduction.

4.4.3 The Constitution of Kenya, 2010

Although Kenya now has a new constitution, it is not fully operational. The oppressive laws and policies remain operational and constitute the body of the institutional framework for poverty reduction. The laws and policies of an old constitutional order in participation and accountability are untenable within the institutional framework for planning for poverty reduction. Nonetheless, it is noteworthy that Kenya's current Constitution (2010) makes a clear reference in valuing active involvement of citizens in endeavours such as urban planning for poverty reduction. This value is listed amongst the National values and principles of governance: "patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people" (Constitution of Kenya, 2010 section 10).

The constitution also lists: "good governance, integrity, transparency and accountability" of state officers, public officers, state organs and public authorities (Article 10). The previous constitution did not embody such ethos of participation. The current constitution is significant in providing rights-based interventions such as planning for poverty reduction owing to progressive inclusions such as the Bill of Rights in Chapter Four, land and environment in Chapter Five; these provide for the recognition of marginalised groups and the poor in informal settlements and devolved government in Chapter Eleven. At present, Kenya is finalising preparations for managing the transition from the old constitution. Formulating institutional frameworks supportive of citizen participation is one the challenges of the transition.

In Chapter Four, there are several articles relevant to urban development, especially in the informal settlements. In Article 25 (a), every person is entitled to freedom from torture and cruel, inhumane or degrading treatment or punishment. This article provides a progressive space to reconceptualise the conditions in the informal settlements as degrading treatment and opportunities for seeking redress. Article 27 which is dedicated to freedom against discrimination, provides remedies for addressing such discrimination

in ways that are very likely to significantly improve the conditions in the poor urban areas:

(4) The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.

(5) A person shall not discriminate directly or indirectly against another person on any of those grounds specified or contemplated in clause (4).

The measures provided to remedy discrimination highlight new spaces for urban development targeting the marginalised. These include:

(6) To give full effect to the realisation of the rights guaranteed under this Article, the State shall take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination.

(7) Any measure taken under clause (6) shall adequately provide for any benefits to be on the basis of genuine need.

In Article 39 (3) every citizen has the right to enter into, remain and reside anywhere in Kenya, while in Article 43 1 (b) the right to housing is articulated as “every person has the right to accessible and adequate housing and to reasonable standards of sanitation. Article 43 1 (d) on water provides that all and sundry have a right to potable water in adequate quantities. Clearly, the new constitution provides a progressive framework for addressing urban development in the poor communities. Indeed, the entire Article 43 on economic and social rights establishes important normative principles that can be tested in court when the plight of the poor is ignored.

From the analysis above, it is clear Kenya’s new constitution is emblematic of the paradigmatic shift in the values and philosophy that should guide the governance and development of the people of Kenya. However, the struggles

that led to the realisation of that constitution from the days of colonialism to the present indicate that the fulfilment of the aspirations stated in the constitution by the Kenyans is unlikely to be a straightforward or easy endeavour. Dealing with the complex power relations in the institutions of the old constitutional, legal, and policy orientation and with the same actors, undoubtedly impacts urban planning for poverty reduction. Moreover, the transition from the way urban planning for poverty reduction is currently carried out to fit the conditions and aspirations laid out in the new constitution remain important questions but are beyond the scope of this study because the empirical work is on the period preceding the 2010 Constitution.

4.5 Conclusions

The successful resistance that led to independence and the struggles for the second republic clearly show that even the colonial government and imperial presidents did not always have absolute power. Kenya's new constitution is emblematic of the paradigmatic shift in the values and philosophy that should guide the governance and development of the people of Kenya. However, the struggles that led to the realisation of that constitution from the days of colonialism to the present indicate that the fulfilment of the aspirations stated in the constitution by the Kenyans is unlikely to be a straightforward or easy endeavour. Power was indeed spread throughout the entire nation and institutional framework. Because power was not always held by the powerful, the colonial government and imperial presidents Kenyatta and Moi acquiesced to constitutional changes that significantly altered the relations of power between the government and its citizens.

This Chapter has shown that dealing with the complex power relations in the institutions of the old constitutional, legal, and policy orientation and with the same actors undoubtedly impacts urban planning for poverty reduction. In the next Chapter, I explore the effectiveness of the institutional framework for urban planning for poverty reduction in the period leading to the promulgation of the Constitution of Kenya, 2010.

CHAPTER FIVE: THE EFFECTIVENESS OF THE INSTITUTIONAL FRAMEWORK FOR URBAN PLANNING FOR POVERTY REDUCTION, 2005-2007

5.1 Introduction

This Chapter argues that the institutional framework for urban planning for poverty reduction in the period 2005-2007 was inimical to participation, and thus not effective for poverty reduction. The absence of sanction is the weakest element in the institutional framework. With the exception of the EMCA, answerability is also limited in these frameworks. While the institutional responses to poverty are diverse and growing, the analysis shows that these are generally notional. The stakeholder involvement is extensively applied as a tool for citizen participation. This stakeholder model has limitations, - built-in exclusions, so that overall the frameworks are by design not aimed at delivering full accountability to citizens.

The rest of this Chapter is organised in five parts. The next section examines the institutional framework at a national level and is followed by a discussion of the frameworks at the City of Nairobi level. The effectiveness of national institutional measures for poverty reduction such as the National Poverty Plan (1999) is presented in the fourth section. The Chapter then turns to the institutional framework of implementing the LASDAP in Viwandani, and closes with a conclusion in the last section.

5.2 The National Level Framework

There are different legal and planning instruments that guide planning in Kenya. At the national level, planning is a hybrid of both cooperative (between government ministries or departments) and hierarchical systems. Most of the government departments have a planning responsibility set out in the legal instruments establishing the central government ministries. Whilst there are central government departments, much of the planning mandate is carried out at the local level in the districts through the District Development Plans. The

Office of the President, Ministry of Local Government, Ministry of Planning and Ministry of Finance are 'super' departments in an otherwise cooperative planning system as they operate elaborate network of branches throughout the country.

There are several central government departments with clearly defined mandates for development: the Office of the President (OP), particularly the Provincial Administration, represents an unusual control of planning and development, and related decision-making in Kenya. The Provincial Administration has an elaborate link between the President and the citizens that typifies the relations between the state/President and citizens. The top-down relation between the citizen and the OP and the hierarchical nature of these relations are important features of this framework. This meticulous system of Provincial Administration has a two-fold mandate: implementing central government policies and decisions at the lowest level and to ensure internal security of the country (Akatch, 1992).

In many respects, the OP, through a detailed Provincial Administration system whose network stretches from the location in the villages to the Minister in the Office of the President, determines much of the planning direction in the country. Literature (for example Odhiambo-Mbai, 1996; Wanyande, 1996; 2005) shows that the Provincial Administration system has its origins in the Colonial government and provides an efficient system for ensuring law and order; but have also made law and order the *raison d'être* of planning, and allocation of land in the informal settlements. Other central government departments represented at the District level are not only responsible and accountable to the District Commissioner(s) but also to Officers of the Provincial Administration. Several legal frameworks provide the mandate for these departments to provide basic services critical in urban planning. Table 5.1 outlines these in some detail.

Table 5.1 The Institutional Framework for Planning at the National Level, 2005-2007

| Ministry/Department | Mandate/objective | Planning Tools |
|---|--|--|
| Ministry of Planning and National Development | <ul style="list-style-type: none"> • Coordination of government economic policies including regional and international cooperation policies • Coordination and preparation of the planning components of the Medium Term Expenditure Framework (MTEF); the Fiscal Strategy Paper and the requisite budget documents • Provision of leadership and coordination in the preparation of the national development plans, district development plans and specific economic programmes and plans • Coordination and management of population, economic and national statistical services within government • Coordination and provision of leadership in the national monitoring and evaluation framework | <ul style="list-style-type: none"> • Poverty Reduction Strategy Paper 2001 – 2004 • Economic Recovery Strategy 2002/3 – 2008/9 • Economic Recovery Strategy for Wealth and Employment Creation 2003 – 2007 • Bureau of Statistics Strategic Plan 2003 – 2008 • Industrialisation Policy Paper |
| Ministry of Housing | <ul style="list-style-type: none"> • Urban housing (Kenya Slum upgrading programme, rental housing, tenant purchase, mortgage housing programme, civil servants housing scheme) • Rural housing • Research • Building materials and technology • Financial resources | <ul style="list-style-type: none"> • National Housing Development Programme 2003 – 2007 • Sessional Paper No.3 on national housing policy for Kenya 2004 |
| Ministry of Lands and Settlement | <ul style="list-style-type: none"> • Ensure human settlements are well planned by providing an appropriate spatial | <ul style="list-style-type: none"> • The Physical Planning Act 1996 • The National Land |

| | | |
|----------------------------------|--|--|
| | <p>framework within which environmental and socio-economic development activities can harmoniously take place.</p> <ul style="list-style-type: none"> • Prepare national, regional physical development plans and policies (strategic, structure and zoning plans) | Policy |
| Ministry of Regional Development | <ul style="list-style-type: none"> • Planning economically on how to utilise the following regional developments: Coast Development Authority (CDA); Ewaso Ng'iro North Development Authority (ENNDA); Ewaso Ng'iro South Development Authority (ENSDA); Lake Basin Development Authority (LBDA); Kerio Valley Development Authority (KVDA); Tana and Athi Rivers Development Authority (TARDA) | <ul style="list-style-type: none"> • Various Acts of Parliament • Ministry of Regional Development Strategic Plan 2004 – 2009 • National Policy for Regional Development |
| Ministry of Water and Irrigation | <ul style="list-style-type: none"> • Accelerating the implementation of water sector reforms: sustainable management of water resources; provision of water and sewerage services, utilisation of land through irrigation and land reclamation; mobilising and promoting efficiency; management and access to water resource information | <ul style="list-style-type: none"> • National Water Policy • Services Charter • Water Act • Irrigation Policy • Ministry of Water Strategic Plan |
| Ministry of Local Government | <ul style="list-style-type: none"> • Supporting service delivery, planning and development, local government reform, provision of physical and financial management and regulatory framework for local authorities | <ul style="list-style-type: none"> • Local Authorities Policy • Local Government Act • Physical Planning Act • Local Authorities Transfer Fund Act • By-laws of Local Authorities |

Source: Compiled by author

After the Office of the President and Treasury, the Ministry of Local Government is the third super ministry with direct connections with local level development. At the national level, the planning mandates require each of the departments to plan and implement activities at the local level. The main connection between the national level (i.e., Ministries) and the local level is through the Districts. Districts prepare District Development Plans and receive funding from the National Treasury to implement plans of different line ministries at the district.

The Ministry of Planning and National Development has overall supervision of the District Development Plans and the District Planning Officers. Moreover, the District Commissioner (DC) who is technically a representative of Central government and more so the President, is the head of the District responsible for all development and security in the district. In this role, the DC coordinates all development activities within the district with the support of District Officers and Chiefs.

Although there are several institutions that have been established to address various aspects of urban planning; the great number of these institutions is the main weakness. A close scrutiny of the institutions at the national level shows that these are fragmented and makes urban planning impossible. Moreover, the power and influence of the OP and ministries of finance and local government mean that citizens do not have any influence on how decisions affecting them are made or even where resources are expended.

5.3 The City of Nairobi Level

The institutional framework for poverty reduction at the City of Nairobi level is unwieldy and rather complicated. In terms of politics, the city of Nairobi comprises eight constituencies and 56 wards (a constituency is a geopolitical area that is represented in parliament by an elected representative, i.e., a Member of Parliament (MP), whilst a ward is a geopolitical area represented in the City Council by an elected representative known as a Councillor) as shown in Table 5.2. At present, Nairobi is also one of the eight provinces in

Kenya, namely: Central, Coast, Eastern, Rift Valley, North Eastern, Nyanza, Western and Nairobi provinces. However, with the promulgation of the current Constitution, Nairobi now also becomes one of the forty-seven counties in Kenya's new devolved structure of government. But Nairobi is also the capital of Kenya and the headquarters of two United Nations agencies – the United Nations Environment Programme (UNEP) and UN Habitat.

Table 5.2 Constituencies and Wards of Nairobi

| Constituency | Wards |
|---------------------|--|
| Dagoretti | Waithaka; Mutuini; Riruta; Kawangware; Uthiru/Ruthimitu; Woodley/Kenyatta/Golf Course |
| Embakasi | Kariobangi South; Komarock; Mukuru; Savannah; Kayole; Umoja; Dandora A; Dandora B; Ruai; Njiru; Embakasi/Mihango |
| Kamukunji | Pumwani/Majengo; Eastleigh North; Eastleigh South; Shauri Moyo/Muthurwa; Kimathi; Uhuru |
| Kasarani | Kahawa West; Kariobangi North; Kasarani; Korogocho; Roysambu; Githurai; Mathare 4 A; Baba Dogo/Utalii |
| Langata | Mugumoini; Karen/Langata; Nairobi West; Laini Saba; Serangombe; Kibera |
| Makadara | Viwandani; Harambee; Hamza; Kaloleni/Makongeni; Ofafa/Maringo; Nairobi South; Mbotela |
| Starehe | Ngara East; City Square/Central; Ziwani/Kariokor; Huruma; Mathare |
| <i>Westlands</i> | Kitisuru/Loresho; Kileleshwa; Kilimani; Kangemi; Highridge; Parklands |

Source: Nairobi City Council (2002)

The Ministry of Local Government through its Urban Development department is mandated to coordinate urban development, including poverty reduction, by facilitating effective strategic development and sustainable delivery of infrastructure and social services by local authorities. The Ministry of Nairobi Metropolitan Development is also mandated to ensure integrated Nairobi Metropolitan Areas Growth and Development Strategy through its Vision 2030. The ministry also aims at improving governance via the system of creating an environment of certainty for private investment. Although measures are put in place to ensure that the institutional framework promotes active collaboration between different parties, including neighbouring areas, government spheres, private sector, and other stakeholders, the effect has

been a complicated maze. Table 5.3 below identifies other actors, particularly at national level, in the framework at the City level.

Table 5.3: Institutional Framework for Local Development and Poverty Reduction in Nairobi

| Central Government through Ministries | Line | Poverty Eradication Fund (Ministry of Planning and National Development) | Office of the President through Provincial Administration | LATF / LASDAP⁹ | Devolved Funds controlled by Member of Parliament |
|--|-------------|---|--|----------------------------------|--|
| National Treasury | | PS ¹⁰ in the Ministry | Office of the President | MLG ¹¹ | Member of Parliament |
| PS in line ministries | | | Provincial commissioner | PS | |
| District heads | | DPU/DDP ¹² | District Commissioner | KLGRP ¹³ | |
| Departmental projects | | Divisional Development Committee | District Officer | UDD ¹⁴ | |
| | | Location Development Committee | Chiefs | City of Nairobi | Constituency Development Committee |
| | | | Assistant Chiefs | Councillors | |
| | | | Village Head men | Chief Officers | |
| | | | | Ward Managers | |

⁹ Local Authorities Transfer Fund / Local Authorities Service Delivery Action Plan(s)

¹⁰ Permanent Secretary (the equivalent of the Director General in Republic of South Africa Government).

¹¹ Ministry of Local Government

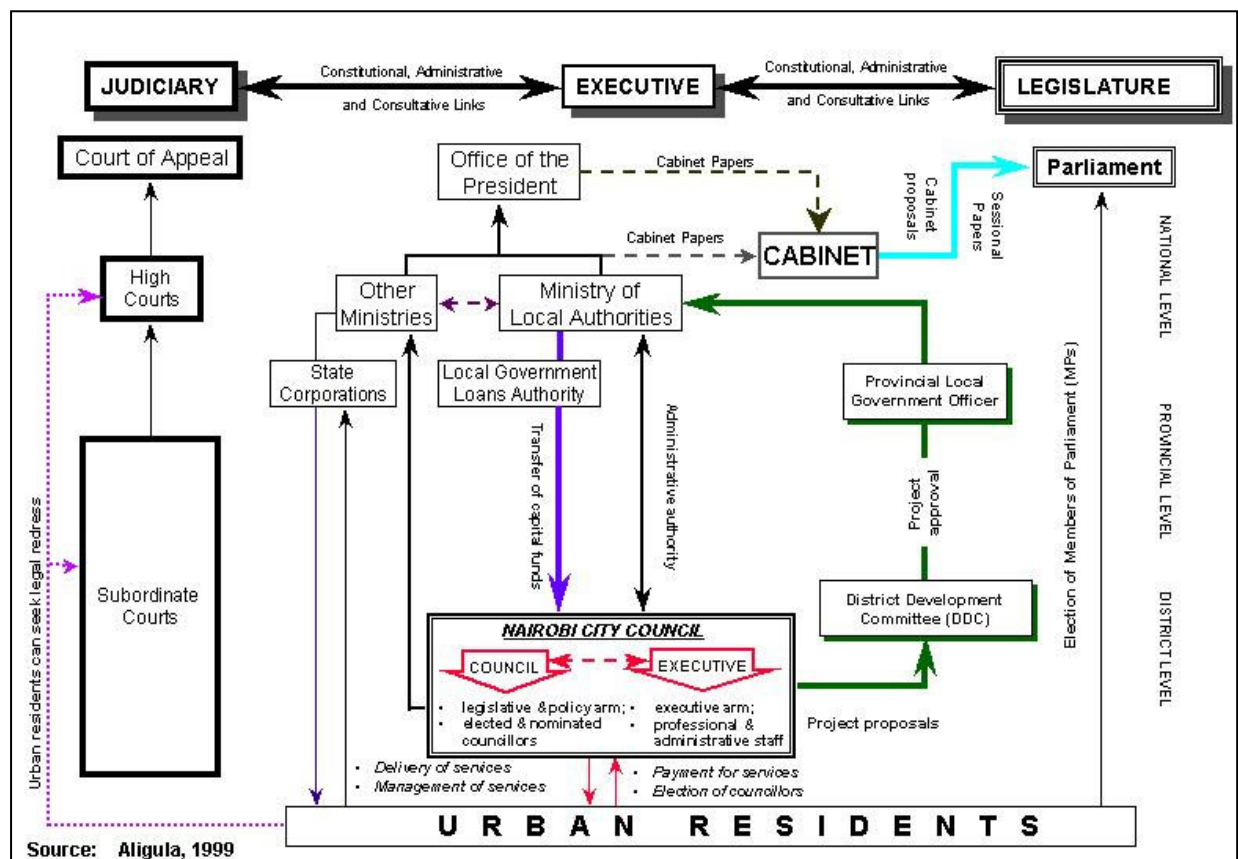
¹² District Planning Unit / District Development Plan

¹³ Kenya Local Government Reform Programme

¹⁴ Urban Development Department in the Ministry of Local Government.

As mentioned earlier, the City of Nairobi is also the capital of Kenya. Because of its political and economic significance, important political institutions of local/city, national and international scope are operational in Nairobi. This further complicates the institutional framework for poverty reduction. Of course there is the City Council of Nairobi that is mandated to develop and manage the city. However, operationally, there are significant complications when the institutional framework for poverty reduction is unravelled. Figure 5.1 shows the complex framework within which the City of Nairobi operates and responds to poverty. Although prepared 14 years ago, there have not been changes to the governance structure of Nairobi; such changes will only take effect after commencement of the County Government Act (2013).

Figure 5.1 Governance Structure for Nairobi



Source: Aligula (1999: 91).

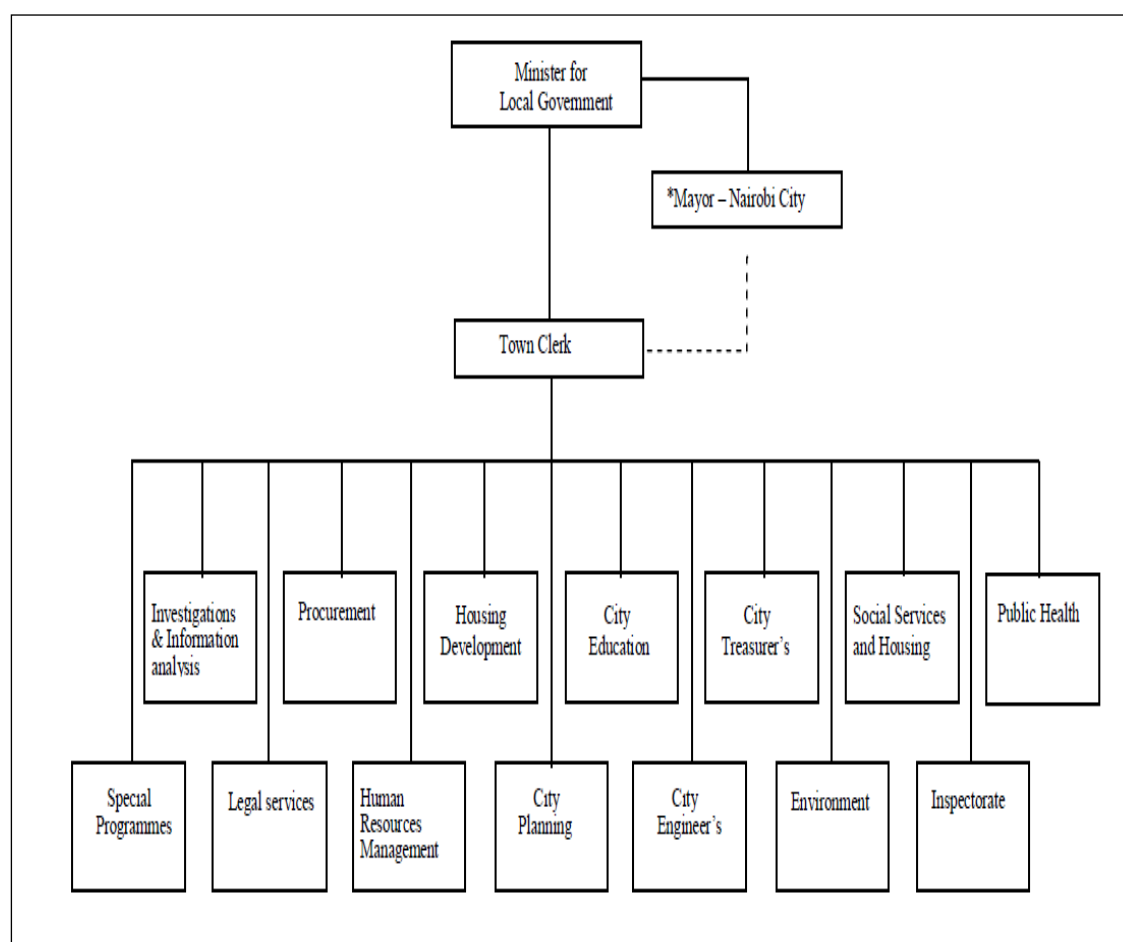
In a nutshell, apart from the interface between national frameworks and city level frameworks, the City of Nairobi also has an elaborate institutional framework. There are 16 departments in the City Council of Nairobi (CCN). Of

these, the City Planning Department, the Environment Department, the City Engineering Department, the Housing Department, Education, the Social Services and Housing Department, and the Public Health Department are critical in poverty reduction. According to the Local Government Act (Cap. 265 of the laws of Kenya), a local authority such as the City of Nairobi is responsible for provision and management of services within its jurisdiction.

The City Nairobi is faced by numerous challenges such as poor economic conditions, rapid population growth, and strict control by the Ministry of Local Government, political interference and poor management services. As a result, not only are the living conditions of the population deteriorating further but economic production is also being constrained. Lack of municipal services leaves the poor with no alternative except to buy water and electricity from private sources, ultimately leaving them to pay far more than the rich do for these services.

As Figure 5.2 shows, from a political perspective, the highest unit of governance in the City of Nairobi is the Mayor. The Mayor, although a councillor, is elected by other councillors. Therefore, the Mayor also continues as councillor for a specific ward. Except for nominated councillors, all the others are elected via a general election. Although voters registered in various wards of City of Nairobi elect councillors, councillors elect the mayor, deputy mayor and chairmen of departments during special elections of the City Council of Nairobi. However, the Minister of local Government appoints the Town Clerk, the substantive chief executive of the City of Nairobi. The Town Clerk is a civil servant and essentially the most powerful individual in the city.

Figure 5.2: Organisational Chart for the City Council of Nairobi



Source: Ministry of Local Government, 2009.

There is an overlap of frameworks on the one hand and the institutions that were created under those frameworks on the other hand, all of which are relevant for citizen participation in urban planning for poverty reduction. For example, there is an overlap of institutions created under the system of local government, institutions created under the structure of provincial administration, notably chiefs and assistant chiefs, and institutions created with the constituency (the electoral district) as the unit of reference. Nonetheless, even when Local Authorities (LA) are theoretically autonomous, the existence of an ubiquitous parallel structure of government in the Office of the President (OP)/Provincial Administration confirms the “super-ministry” label of the OP, and lends credence to the view that LAs’ interventions are invariably sanctioned by the OP.

After the departure of President Moi in 2002, the incoming parliament argued strongly for increased control of development spending by members of parliament at constituency level, resulting in a proliferation of funds managed at constituency level and multiple structures managing these funds. This trend of directing development funding through MPs has done a lot to further weaken local governments (civic authorities) as relevant units of local planning. Before 2002 the role of local government was eclipsed by that of the provincial administration due to the dominance of the presidency, which meant by-passing local government and relying instead on the provincial administration structure under the Office of the President as the main channel for state interaction with citizens at the local level.¹⁵ The Kenya Local Government Reform Programme (KLGRP), set up in 1996, has been working toward implementing reforms that restore the relevance and credibility of the local government system.

5.4 Assessing Interventions for Poverty Reduction

The 1999 National Poverty Eradication Plan (NPEP) and the PRSPs prepared with significant involvement of non-state actors like NGOs are key features of the attention poverty received in the 1990s. Moreover, the first poverty maps based on the 1999 National Population and Housing Census, showing the incidence of poverty, were collaboratively prepared by the government, the World Bank, the Society for International Development and the International Livestock Research Institute (ILRI) (Central Bureau of Statistics, 2003). This also triggered a sequence of equally influential studies on poverty and inequality in Kenya.

The most notable of these studies was the *Kenya Human Development Report* of 2001 (UNDP, 2001) and the Society for International Development's

¹⁵ With the imminent changes and overhaul of the policy, legal and institutional frameworks for planning to fit the new constitution, all this is going to change significantly upon the full implementation of the Constitution (2010). All the same, at present, chiefs and assistant chiefs (and village headmen under them) remain an important part of provincial administration and are in cases the only manifestation of government.

Pulling Apart SID, 2004) study on poverty and inequality. With such unprecedented attention to poverty at the national level, inequality and to some extent poverty reduction, momentum gathered to dominate the national political, perhaps even academic discourses and debates. With these developments, then, it would no doubt be agreed that poverty reduction was finally 'mainstreamed' in the national plans of Kenya.

5.4.1 The National Poverty Eradication Plan (NPEP) 1999 - 2015

The accounts on the growth and development of the political institutions above show that condign power and immanence were critical in both creating an imperial presidency and in dismantling the same. While the powerful succeeded for at least 40 years in creating and sustaining an all-powerful imperial presidency, it may also be justifiable to argue that through power, the less powerful endured and after 40 years succeeded in pulling the imperial presidency apart. Although various forms of power impacted the institutional framework, three are conspicuous: power in things, power through mobilisation, and power as immanent (Cahill, 2008). But the birth of the second republic also ensured the re-birth of institutions that significantly reconfigured the institutional framework for poverty reduction.

The National Poverty Eradication Plan (NPEP) not only attempted to understand the poverty problem but it also outlined suggestions for its eradication. Right from President Moi's foreword to the plan, it was clear that the government acknowledged the problem of poverty ravaging the people of Kenya.

The National Poverty Eradication Plan presents a framework on how we are going to tackle poverty that afflicts a large percentage of our people. My Government has been committed to poverty reduction as a key ingredient to building an economically strong and prosperous nation, with a cohesive society in which all have an opportunity to realise their full potential. It is out of this strong commitment that we

have been able to make significant progress in the social sectors notably in education and health despite some recent slight setbacks arising from the implementation of the Structural Adjustment Programmes (Moi, 1999).

The NPEP was also significant as a trailblazer for national planning that was specifically targeted at poverty eradication. In a significant departure from national development planning circumspection, the Plan admitted that poverty was a national crisis:

Poverty reduction is a national challenge. Initially, Kenya hoped to eradicate it through economic growth. It was seen as a short-term hardship which would disappear as the nation developed and grew in economic terms. Poverty is now recognised as a major threat to a very significant section of Kenyan households; worrying follow-on consequences for the security and economic well-being of those with surplus income and good services. It is also increasingly recognised that economic growth alone will not be sufficient to reduce poverty (Republic of Kenya, 1999: 2).

In terms of national planning, the NPEP was also innovative in several ways. First, it attempted a reflective evaluation of past interventions for development (ibid.: 4–11). The evaluation provided a sound basis for shifting intervention beyond simple economic growth objectives. Second, the government in this plan made another important admission: that National plans did not provide room to focus exclusively on poverty (ibid.: 5). In this plan the government also acknowledged the importance of civil society in any poverty reduction interventions. Hitherto, the private sector and the state were the only recognised actors in development and, to some extent, in poverty reduction. Third, even when the government emphasised the need for economic growth, it also made another critical observation:

While economic efficiency arguments may have dictated these actions, the benefits were not equitably shared. The introduction of cost-sharing

and cost recovery arrangements in basic social services has worked against a great majority of poor groups. The quality of the services deteriorated and the resources were extremely limited (ibid.: 27).

The above observation not only highlighted the policy effects of interventions that were based on the notion of absolute poverty. Economic efficiency was the dominant perspective, even perceived as a panacea for poverty reduction. Despite its negative effects and limitations, economic growth was nonetheless the path recommended. This suggests that it was a case of the lesser evil and there must be growth in the economy to be shared amongst the rich and the poor. In identifying the poor, the plan also made a distinction between rural and urban poverty, noting: “the incidence of poverty in Kenya was 47 per cent in the rural areas and 29 per cent in the urban areas” (ibid.).

The main objective of the plan, however, was: “to achieve pro-poor growth and service delivery” (Republic of Kenya, 1999: xi). Box 4.2 shows the specific goals and targets of this plan.

Box 5.1 Goals and Targets of the NPEP

- Reduction of the poor in the total population by 20 per cent by 2004 and by a further 30 per cent by 2010
- 15 per cent increase in [school] enrolment rates over the first six years of the Plan
- 19 per cent increase in [schooling] completion rates, especially for girls in the six year period
- Universal access to Primary Health care to within 5 kilometres of all rural households or within one hour of local transport by 2010
- Increase by 8 per cent each year until 2004 access to safe drinking water by poor households
- By 2010, create universal access to safe water
- Reduce time spent by women on fuel, wood and water collection
- Publish ‘best practice’ guidelines for rural and urban social development by 2000
- 20 per cent of communities to draw up action plans by 2004
- 40 per cent of all extension messages to be relevant to very poor farmers

Source: Republic of Kenya, 1999, p xiv.

For the first time, the government also introduced hitherto unorthodox terms in planning. The plan included the Charter for Social Integration (CSI), produced by civil society, including social movements, outlining a range of basic rights that the government expressed a commitment to ensure all citizens enjoyed. These rights included literacy and numeracy, health, adequate food and clean water to maintain life, well-being and enthusiasm, and education (ibid.: 32). Evidently, the NPEP was comprehensive in its analysis of poverty and the strategies it proposed for its reduction. Unlike the other plans it was perceived as the interface between the National Development Plans and the needs of the poor. The CSI, the deliberate commitment to improve basic services to the poor and a pro-poor economic growth strategy underscored the NPEP's relevance and breadth in terms of poverty reduction.

The NPEP was to be implemented in three 5-year phases: 1999–2004; 2005–2010; and 2011–2015. Doubtless, the NPEP held much promise in the fight against poverty. In 2000, the Commission for Poverty Eradication (CPE) was established in the Office of the President. This was to be assisted by another body, the Poverty Eradication Unit (PEU). The CPE was expected to revive the District Focus for Rural Development (DFRD) approach and network. Community participation was a catch-phrase in government-speak during this time.

Various funds, commonly known as decentralised/devolved funds, were established by the central government to improve interventions for poverty reduction. Table 5.4 presents a detailed analysis of the devolved funds in Kenya. These funds were an evident attempt to decentralise public expenditure and address poverty. Together, all the interventions mentioned above formed the broad institutional framework for planning for poverty reduction.

Table 5.4: Overview of the Devolved / Decentralised Funds

| Devolved Fund | Important Features |
|---|---|
| Local Authorities Transfer Fund (LATF) | <ul style="list-style-type: none"> • LATF allocation is 5 percent of the national income tax. Transferred from the Ministry of Local Government under the supervision of the Ministry of Finance to Local Authorities • 7.5 Billion shillings disbursed to local authorities in Financial Year 2006/2007 |
| Secondary School Education Bursary (SSEB) | <ul style="list-style-type: none"> • Established by Presidential decrees in 1993/4 • Supposed to provide a subsidy to the country's poor and vulnerable groups • Allocations are dependent on the Ministry of Education's annual provisions • From 2003/2004 Constituency Bursary Committees coordinate identification of beneficiaries • 1.4 Billion shillings released to the SSEB in the 2005/2006 Financial Year |
| Roads Maintenance Levy Fund (RMLF) | <ul style="list-style-type: none"> • Established in 1993 through the Roads Maintenance Levy Fund Act • Managed by the Kenya Roads Board (KRB) (1999) • 16 per cent of these funds are applied on rural roads managed by the district roads committees and shared equally among constituencies in a district • 14 Billion shillings were disbursed to the KRB in the 2006/2007 Financial Year |
| Rural Electrification Programme Levy Fund (REPLF) | <ul style="list-style-type: none"> • Established in 1998 through sections 129 and 130 of the Electric Power Act (1997) • The fund is finance electricity in rural areas and other poorly served areas of the country |
| Constituency Aids Control Fund (CACF) | <ul style="list-style-type: none"> • Established by Presidential decree of 1999 contained in legal notice No. 170 • At least 80 per cent of this fund is dependent on donor funding • Fund is managed by the National AIDS Control Council (NACC) • The fund received 14 Billion shillings in the 2006/2007 Financial Year |
| Constituency Development Fund (CDF) | <ul style="list-style-type: none"> • Established in 2003 under the CDF Act 2003. • Administered by the National Management Committee • CDF comprises 2.5 percent of ordinary government revenue |

| | |
|---|---|
| | <ul style="list-style-type: none"> • The CDF received 10 Billion shillings in the 2006/2007 Financial Year |
| Free Primary Education (FPE) | <ul style="list-style-type: none"> • Established in January 2003 by a Presidential Order • It is managed under various regulations and provisions under the Ministry of Education and paid directly to schools • Each child is allocated 1,020 shillings per year • 7.8 Billion shillings disbursed in the 2005/2006 Financial Year |
| Poverty Eradication Fund (PEF) | <ul style="list-style-type: none"> • Established under the Ministry of Planning and National Development in 1999 • The Fund is administered at the district level under the Poverty Eradication Commission • Loans are provided to individuals and small groups for income generation |
| Youth Enterprise Fund | <ul style="list-style-type: none"> • Established by Presidential Order in 2006 • To be administered by the Ministry of Youth Affairs • Fund is aimed at supporting small to medium scale enterprise • 1 Billion shillings allocated in the 2006/2007 Financial Year |
| Women's Fund | <ul style="list-style-type: none"> • Established by Presidential Order in 2007 • 1 Billion shillings allocated in the 2007/2008 Financial Year |
| Community Development Trust Fund (CDTF) | <ul style="list-style-type: none"> • Wholly funded by the European Union • Established in 1996 • Aimed at poverty reduction through provision of grants to community based projects that address social, economic and environmental priorities • A community contribution is mandatory and is set at a minimum of 10 per cent – this may be in cash, labour or materials. |

Source: Author's compilation based on Hanns Seidel Foundation (2006) p.8-11 and author's Fieldwork in 2007

Beyond providing analysis of the numerous funds availed by the state for poverty reduction, Table 4.4 also shows the broad institutional response to poverty. However, the effectiveness of the above responses in reducing poverty is not known. For instance, as Table 4.5 shows, the Poverty Eradication Fund had received a paltry 161 million shillings since its inception. From the funds that the government allocated to the Poverty Eradication Fund, the government was evidently reluctant to engage with and/or promote planning for poverty reduction.

Table 5.5: Poverty Eradication Fund since 1999

| <i>Financial Year</i> | <i>Kenya Shillings (Millions)</i> |
|------------------------------|--|
| 1999/2000 | 22.0 |
| 2000/2001 | 11.4 |
| 2001/2002 | 57.0 |
| 2002/2003 | 36.0 |
| 2003/2004 | 35.0 |
| 2004/2005 | 0.0 |
| 2005/2006 | 0.0 |
| TOTAL | 161.4 |

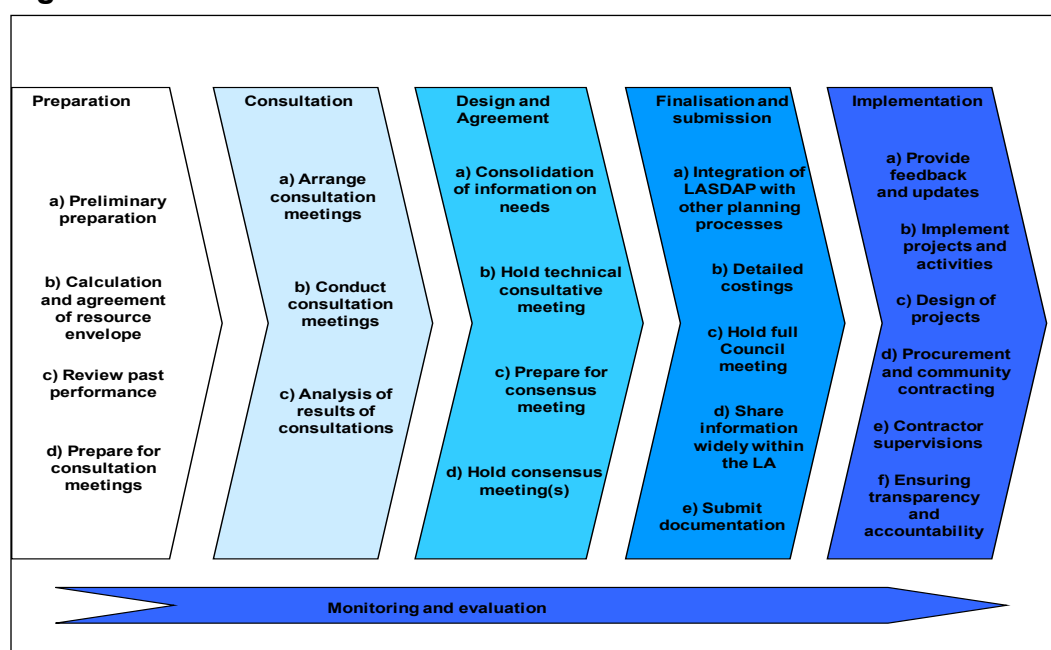
Source: National Council of Churches of Kenya (2005: 41)

The ways in which the presidency was created and how it exercised extra-constitutional powers to stifle the independence of other institutions of government demonstrate the fact that power "...is not found in the resources, but in the use of those resources" (ibid.). Until 2010, the presidency was the most powerful institution in Kenya. As shown above, the power of the presidency was vested both in the resources it controlled and the manner in which these resources were deployed. In the use of these resources as Ghai and Ghai (undated:8) show, "...corruption drained away billions of shillings which belonged to the state..." resulting in more poverty. Thus, the use of this power shows the creation of relative powerfulness of the presidency and the relative powerlessness of the poor.

5.5 The Institutional Framework for Implementing the LASDAP

The range of actors and their relationships to one another shows the complexity of the institutional framework within which the LASDAP was implemented. These actors include the citizens, officials of the City of Nairobi, and officials of the central government, particularly those from the Ministry of Local Government (MLG), professionals; others are drawn from the private sector and various civil society organisations. Although implemented at the city and sub-city levels, the rules for implementing the LASDAP, as seen in the discussion of the LASDAP guidelines in Chapter Four (section 4.4) were largely established by the MLG and central government in general. Figure 5.3 shows how the MLG envisioned the LASDAP.

Figure 5.3: Summarised LASDAP Process.



Source: Republic of Kenya, 2005:4

While the central government set out what the LASDAP entails operationally, it was the City of Nairobi that dominated the relations among the various actors involved in the LASDAP. Table 5.6 gives one dimension of these relations. My discussions with various actors show that with the exception of the consultation phase that had a token presence of citizens and civil society organisations, the City of Nairobi has dominated and virtually excluded the

citizens in the rest of the phases. The City was able to dominate the LASDAP through a combination of condign and compensatory power (Galbriath, 1983). Hence, as Putnam (1993) would argue, the above is an illustrative case of how institutions shape the behaviour of actors. Since the City retained all decision-making power, and the poor and other citizens relied upon invitations to participate, it is understandable that actors in the City were invariably inclined to exclude citizens whilst tinkering at the edges of the status quo.

Table 5.6: Key Actors in the Main Phases of the LASDAP in Nairobi

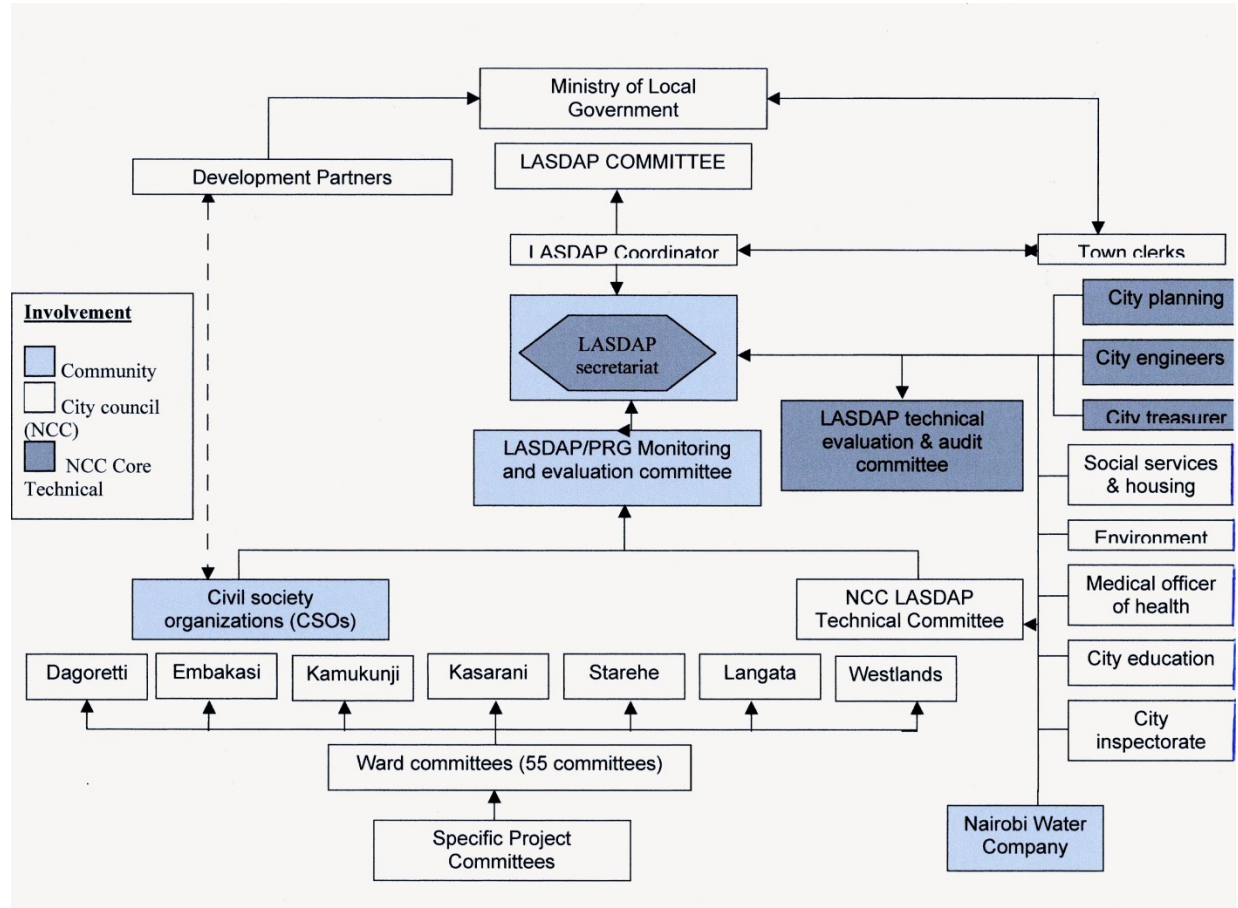
| Main Phases | Time | Key Actors |
|-----------------------------|---------------------|---|
| Preparation | August | LASDAP Desk Officer, City Treasurer, LASDAP Technical Committee, LASDAP Committee |
| Consultation / Consensus | September / October | Citizens from wards, Councillors, LASDAP Desk Officer, LASDAP Technical Committee, CBOs, NGOs, Religious organisations |
| Finalisation / Submission | November | LASDAP Desk Officer, City Treasurer, LASDAP Technical Committee, LASDAP Committee, Full Council, Town Clerk |
| Implementation / Monitoring | Continuous | LASDAP Desk Officer, City Treasurer, LASDAP Technical Committee, LASDAP Committee, Councillors, Contractor, Procurement, Town Clerk, Tender Committee, Internal Audit |

Source: Field Studies (2005–2007).

For instance, from the accounts I received during the field studies the LASDAP Technical Committee was essentially comprised of chief officers (or heads of department of the City of Nairobi). From the analysis of the key actors who were involved in the LASDAP at each stage as shown in Table 5.6 above, it was unlikely that with a dominant City that crowded out citizens, the same supported participation and accountability. Even though the City seemed to dominate, it was indeed a few actors such as the Town Clerk,

heads of departments and powerful politicians who dominated these relations and the institutional framework at the city and sub-city level.

Figure 5.4: Organisational Structure for Planning and Implementation of the LASDAP



Source: LASDAP Desk, 2007

Figure 5.4 above shows the details of the organisational structure, which was supposed to guide the planning and implementation of the LASDAP. From the organisational structure presented in Figure 5.4, it is apparent that the City had a hierarchical top-down structure to plan and implement the LASDAP. But, again, it was not always clear whether the structure guided implementation and the City significantly complied with the same. But as the discussions show in Chapter Six (section 6.4), defining roles and showing hierarchical relationships in an organisational structure are quite apart from the actors carrying out these roles in accordance with the structure.

5.6 Conclusions

The analysis of the institutional framework for urban planning for poverty reduction in this chapter yields a mixed picture. The last 90 years of resistance against oppression by the government and struggle for change demonstrate the usefulness of power through mobilisation in changing unequal power relations and empowering previously powerless citizens. Regarding the ways in which the institutional framework affects citizen participation, it is clear that the stakeholder involvement is extensively applied as a tool for citizen participation. This stakeholder model has limitations; its in-built exclusions have been discussed. Secondly, concerning the mechanisms for accountability it is fair to say that overall the frameworks are by design not aimed at delivering full accountability to citizens.

The absence of sanction is the weakest element in the institutional framework. With the exception of the EMCA, answerability is also limited in these frameworks. While the institutional responses to poverty are diverse and growing, the analysis shows that these are generally notional. Finally, regarding the way power impacts participation and accountability in the institutional frameworks, the analysis shows the institutional framework for urban planning for poverty reduction is not supportive of citizen participation and does not enhance accountability.

Having established that the institutional framework for poverty reduction is inimical to participation and accountability, I turn to specifically consider the experience of implementing the LASDAP in Viwandani ward in the City of Nairobi. This is the subject of the next three chapters. In the next chapter I start with how participation is operationalised.

CHAPTER SIX: MANIPULATION TO FACIPULATION: THE ILLUSION OF PARTICIPATION IN THE LASDAP

6.1 Introduction

This Chapter argues that by applying facipulation, the officials of the City of Nairobi were successful in presenting a persuading case for implementation of the LASDAP in a participatory way - in conformity with the stringent LASDAP guidelines. The officials argued that since they followed the LASDAP guidelines and involved citizens the correct priorities were identified. The institutions for implementing the LASDAP were too weak to support accountability and answerability and were largely dependent on the discretion of public officers.

The Chapter first provides an overview of the study area – Viwandani ward, especially the two very poor sections of Viwandani, Mukuru Kayaba and Lunga Lunga. The Chapter then turns to the actors' sentiments on participation in the implementation of the LASDAP in Viwandani. These sentiments are based on in-depth interviews and are also used to discuss the quality of participation in the different stages of the LASDAP discussed in the rest of the Chapter. This spans decisions and involvement in the preparation and consultation, design, agreement and finalising the LASDAP, and the implementation stages respectively. Section 6.6 then concludes.

6.2 An Overview of Viwandani Ward

Viwandani in the Kiswahili language literally means the area of huge industrial concerns, or commonly referred to as industrial area in the English language. This ward derived its name from the fact that it is home to much of Nairobi's and Kenya's industries. With at least 60 per cent of Nairobi's population living in slums that account for about 9 per cent of all residential land (Clark and Deng, 2007:74) Viwandani ward in Makadara is one of Nairobi's eight constituencies and a home to a significant proportion of Nairobi's poor.

Viwandani is the poorest of the seven wards that form the Makadara constituency. The cradle of poverty in Makadara is arguably in the broader Mukuru slum settlements in Viwandani ward. This ward therefore hosts one of the highest concentrations of poor people in the City of Nairobi (City Council of Nairobi, undated).

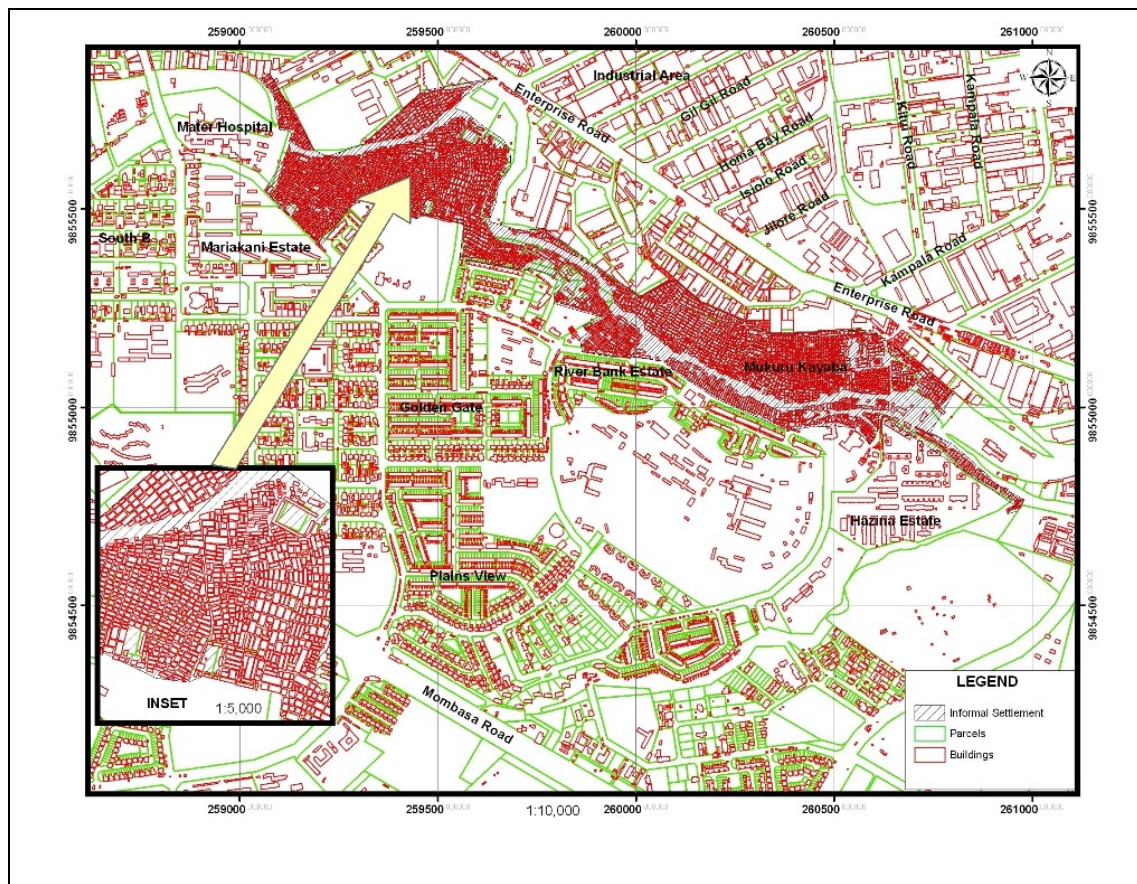
Viwandani is also home to some very rich citizens. Taking industries as a corporate body and large taxpayers, then in a very general sense, Viwandani earns the dubious distinction of being home to both the wealthy citizens (industry) and the poor who reside in informal settlements literally at the margins of these industrial concerns. Thus, Viwandani has one of the greatest income inequalities.

Viwandani received some funding from LASDAP. From the LASDAP records and my fieldwork during 2005-2007 it emerged that the money was spent on various small projects. These included: construction of a foot bridge across the River Kongo, renovation of the Lunga Lunga dispensary, primary school bursaries and the maintenance of key community roads in Lunga Lunga and Mukuru Kayaba slum villages.

6.2.1 Mukuru Kayaba

Mukuru Kayaba is located along the Nairobi River. From the East it borders the Mater hospital and Mariakani Estate. As Map 6.1 shows, it is bounded in the south, by the up-market residential estates of Goldengate, River Bank, Plainsview and Hazina. These estates are home to Nairobi's middle-income population group. To the north and east of Mukuru Kayaba is Nairobi's industrial area.

Map 6.1 Map showing Mukuru Kayaba



Source: Ministry of Lands, Nairobi, 2008.

Although the majority of the population would be classified as poor, some residents work in the neighbouring industrial area and estates as security guards, domestic workers, teachers, taxi drivers and artisans in the building, black smith and motor repair industries. There is also a considerable section of the population involved in petty trading, selling wares ranging from produce such as sugar, salt, food, paraffin, foodstuffs, as well as second hand clothing.

An estimated 40 per cent of the population is considered to be youths (15–35 years) (Republic of Kenya, 2009; Kenya National Bureau of Statistics, 2009; Republic of Kenya and UNDP, 2009). Most of the youth in Mukuru and Lunga Lunga are unemployed. There is also a considerable population of elderly, unemployed and orphaned and vulnerable children whose parents died as a result of HIV/AIDS (personal communication).

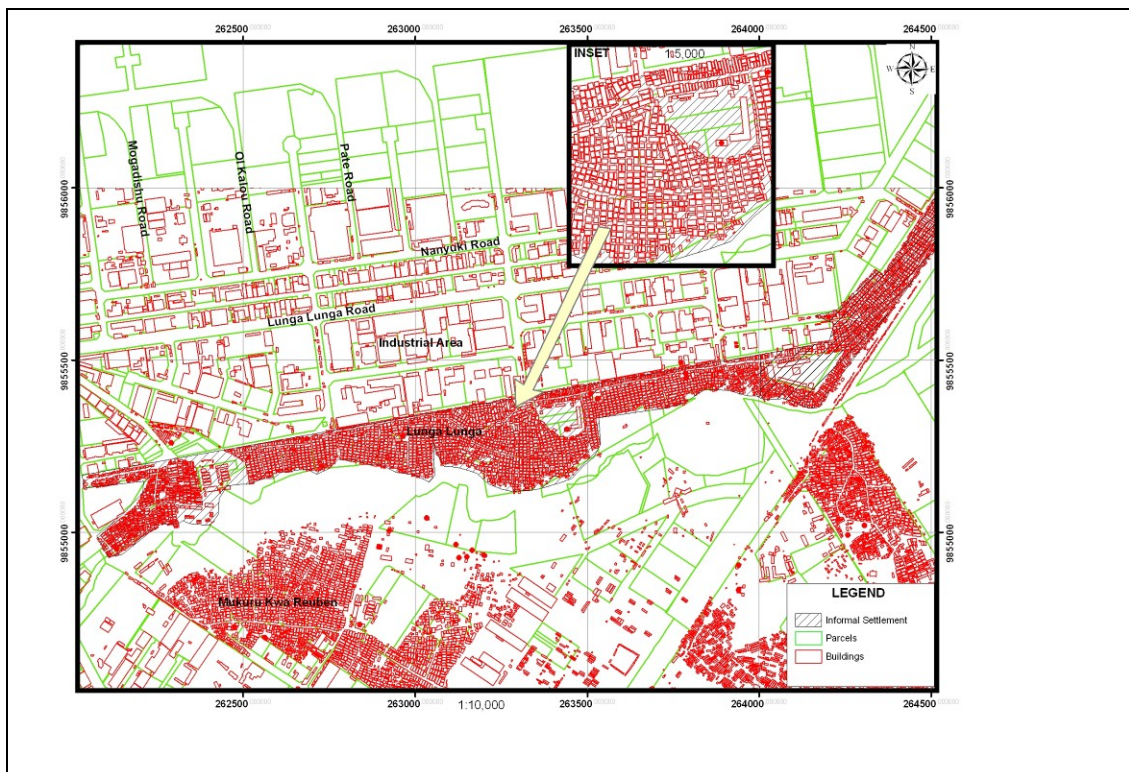
6.2.2 Lunga Lunga

Lunga Lunga is located on the fringes of the River Kongo and at the back end of major industrial concerns. Lunga Lunga settlement is an informal settlement of approximately 0.5 square kilometres. According to the chief, Lunga Lunga in 2006 was home to an estimated 15,000 people (D. Muchiri, personal communication, December 29, 2006). Most of the adult population in this settlement were unemployed. Tugi and Weru (personal communication, December 23, 2006) are some of the research participants I interacted with and belonged to a leading youth group, the Lunga Lunga Self-Help Youth Group. When discussing life in Lunga Lunga with them, they lamented that:

Only about 20 per cent of the total population earn an honest living through hard, gruesome and dehumanising work, working as unskilled labourers in the adjacent industrial centre of Nairobi city, house helps [domestic workers] in the middle class estates, odd jobs with the City Council such as sweeping, running errands in offices, selling vegetables, collecting garbage for a living and all forms of odd and indecent jobs [...]. More than half of the community survives justly or unjustly on petty crime. That is, they have to steal, shop-lift, con or beg to survive, others are habitual criminals not by choice but by the virtue of the hard life they lead and the need to put something in their stomachs and on their families' table. Crime is the order of the day. Security is an alien concept here and peace a misnomer. Hunger and disease form the fabric of the community. Precocious commercial sex and the resultant scourge of HIV/AIDS threaten to tear the community down. Drug and substance abuse are of an inexplicable magnitude. Life for all is grim (personal communication, December 23, 2006).

The pain and angst expressed above was emblematic of the powerlessness and even hopelessness of the youth. As Map 6.2 shows, Lunga Lunga, Mukuru Kayaba, is a congested and complex settlement. The factories are neatly laid out in generous pieces of land while the poor are crammed into tiny spaces.

Map 6.2 Map showing Lunga Lunga



Source: Ministry of Lands, 2008.

Before 2002, settlements such as Lunga Lunga and Mukuru Kayaba were not recognised by the City's Planning department. Unsurprisingly, the residents of these settlements provided crucial services to City of Nairobi's economy and non-poor residents and others worked for the City of Nairobi. Like the other informal settlements in Nairobi, because these settlements were not recognised, they implicitly were not considered a part of the legal and formal city. Hence these settlements were neither planned nor received any of the city's services.

Although ignored by the City's planning department, these settlements were and are still important sites for political contest. Councillors and Members of Parliament cannot afford to ignore the residents of Mukuru Kayaba and Lunga Lunga. Therefore, from a political perspective, the residents of Lunga Lunga and Mukuru Kayaba are not necessarily powerless. But after elections, the politicians, City of Nairobi officials, planners and other professionals, and private business are clearly more powerful. They are able to contain the poor in squalid run of the mill, squeezed-in spaces while living in relatively well-

planned and well-serviced neighbourhoods such as plainsview and Goldengate (see Map 6.1 above).

6.3 The Preparations and Consultations in the LASDAP

The LASDAP Guidelines were issued through a Ministerial Circular from the Ministry of Local Government in 2001 to accompany the Local Authorities Transfer Fund (LATF) Act of 1999. According to the LASDAP guidelines, in order for local authorities to receive the conditional performance-based component of their LATF allocation they must prepare a Local Authority Service Delivery Action Plan (LASDAP). The LASDAP must be prepared through a participatory process that involves community organisations in identifying needs and service delivery priorities for the locality.¹⁶

The consultation process under LASDAP yields a very limited degree of citizen participation. In generating the LASDAP a council only needs to show that it has consulted with community groups. Councils are urged to identify ways of reaching the poor who may not be represented by community groups, but consultation, when it happens at all, invariably stops with groups. Again, the stakeholder model is what is at work here. An obvious problem with this approach is that it will not reach those who are not in organised and visible groups. The poor are often pointed out as an excluded category, but the model also excludes many in the salaried or professional classes whose time and energy for involvement in associational life are restricted. Since the consultative process invests no effort in finding a way to target them their input is totally absent.

In contrast with the participatory budgeting process in the city of Porto Alegre, Brazil, which has more citizen involvement in decision-making for the LASDAP, the Council has the final say in decision-making. In Brazil, the participatory budgeting process was initially only organised around

¹⁶ The Ministry of Local Government Circular MLG No. 11/2001, Nairobi 19 July 2001 provides a good account of the details.

neighbourhood associations or groups. It was subsequently realised that there was a significant segment of the population whose input was absent because they could not (or did not want to) participate in the *rodandas* (deliberation rounds), which were neighbourhood and association-based. The municipal government then decided to have thematic *rodandas*, whereby the teachers' union, for instance, would play a crucial role in shaping the city's education budget (Navarro 2004). These *tematicas* have been integrated into the process and each theme group gets to elect two representatives to the participatory budgeting Council that has the final word on the city's budget.

Citizen participation in the LASDAP process is limited once citizens have been consulted on the priority projects they would like to see implemented in their ward, they have no way of ensuring that the priorities that they have articulated are actually the ones that end up in the LASDAP document. The only role citizens seem to have in the LASDAP is the identification of priorities. Once the process of procurement and project implementation begins, citizens do not play any role at all in monitoring to ensure that there is no corruption. The LASDAP merely provides room for citizen input, without establishing a process or system by which this input is reflected in the output. Nonetheless, the LASDAP stands out as an unlikely site of citizen participation in local government that has not been facilitative of citizen involvement.

The LASDAP guidelines require that at the start of the LASDAP meeting with residents the Council must report on the income and expenditure statement for the previous year and also present the council's resource envelope for the current year. This is not discretionary; the council is obligated to give this account to residents, and so on paper there is answerability. But a critical weakness, as pointed out above, is that there is no requirement on the Council to justify its eventual choice of projects to residents at the ward level. As a result, if a ward's priority projects get dropped or changed there is no mechanism for feeding back this information to the residents.

There have been reports of stand-offs at LASDAP meetings, with ward residents insisting on an explanation from council officials as to why their proposed projects for the previous financial year were not taken up by the council, and council officials insisting that the residents should just proceed with identifying priorities for the current year or there would be no projects budgeted for the ward in the current year. There have also been reports of councils that have, for successive years, routinely re-allocated project funding to the payment of salaries to avert workers' strikes over delayed salaries. No explanation is given to ward residents for the lack of project funds, and the officials do not see themselves as under any obligation to give such explanation, as long as the Ministry of Local Government approves the reallocation (Lubaale, Ngari and Agevi, 2007). On the whole, answerability is weak under LASDAP.

In addition, there are sanctions for a council's failure to submit or late submission of the documents required under the LATF Regulations, which includes the council's statement of accounts and the LASDAP document. This sanction is a forfeiture of a proportion (depending on the length of delay), or the entire performance-based component of the council's LATF allocation, which amounts to 40 per cent of the allocation. This has two implications: The first is that it only penalises non-submission or late submission; it does not relate to assessing the quality of the LASDAP process. A council could skip the consultation altogether and submit documents nonetheless, but there is no mechanism for verifying this. There is no scrutiny as to the actual existence, let alone authenticity and representativeness, of the groups that the council claims to have consulted.

The sanctions are superfluous since the local government officials responsible for the non-submission or late submission cannot be apprehended. The sanctions instead harm the citizens. When a council forfeits 40 per cent of its LATF allocation it invariably means that it cannot undertake any development projects for that year, but the council will still access LATF to cover its running costs, including the officials' salaries and allowances. It is the citizens who will have to do without investment in improvement of services and their

participation in the exercise of identifying project priorities will have counted for nothing. Sanctions under LASDAP are therefore not appropriately targeted and do little to deliver accountability to citizens. Since these guidelines can only promote notional participation and are too weak to ensure accountability, urban planning for poverty reduction in these conditions is impossible.

The circular from the Permanent Secretary (MLG No.11/2001) of July 19 2001 spelt out the processes and procedures to be followed to prepare the LASDAP. To facilitate citizen participation during the preparation and facilitation stage, the City Council of Nairobi, was expected to implement several things according to the following “participatory forms”:

Form 8-A List of organisations/groups operating within NCC’s [Nairobi City Council] jurisdiction. These are arranged according to the constituency within which they fall

Form 8-B Notice sheet publicising LASDAP preparation, indicating how proposals could be made and indicating where the notice was displayed.

Form 8-C Copy of sample letter inviting the organisations listed in 8-A to a consultative meeting

Form 8-D Record of consultative meeting and attendance sheet (Nairobi City Council, 2002:2).

According to these guidelines, preparation and consultation was to start in August and should be completed by November in 2002, and for each year subsequently. The records I reviewed showed that forty organisations were identified as active in Makadara constituency. These included both formal and informal organisations (see appendix for the complete list). Of the forty organisations, twelve were based in the study area, Mukuru Kayaba and Lunga Lunga, in Viwandani ward.

Although the objective to include the citizens in planning, particularly the poor, was noble, the fact that only forty organisations were identified highlighted the difficulty of relying on an oppressive system to voluntarily identify

organisations. The choice of organisations that were to participate in the LASDAP suggests that the City officials were either oblivious of the complexity of Mukuru Kayaba and Lunga Lunga and the organisations of the poor, or they relied on an established system of patronage to selectively include only some organisations. The latter seems a plausible explanation given the historical development of institutions in Kenya. Participation and participatory development literature shows (for instance Chambers, 2005:85-117) it is not easy for people with power such as government and City officials, professionals, private business, and others to effortlessly transfer their power and benefits to previously powerless people such as the poor in Viwandani's Mukuru Kayaba and Lunga Lunga.

Furthermore, there were also questions of agency that arose in the arrangement adopted to facilitate participation in the LASDAP. Although participation appeared in different forms, the essential question with respect to agency was: To what extent do organisations that appear to have been arbitrarily identified represent the interests of the poor and other excluded citizens in a process such as the LASDAP? These concerns as the literature shows are not new or limited to the LASDAP, but are typical of participation (for example Chambers, 2005; Brock, Cornwall and Gaventa, 2001; Crook and Sverrisson, 2001). Arnstein (1969) identified these concerns related to agency when she discussed the difficulty of participation in the first ranks of the ladder of participation – manipulation and therapy that the LASDAP process neatly corresponded to during the period of study.

Like Arnstein (1969), the methods employed to identify organisations and also to ensure participation of the poor and others confirms a pattern of non-participation. Furthermore, because of poorly kept records at the City it was not possible to confirm whether or not the organisations identified at the beginning were the same that participated throughout the study period; and whether it was also the same persons who participated in the consultations. But even before I consider the actual participation in the meetings, I shall state candidly how individuals from the organisations that were identified were informed of the meetings and consultations.

Although the guidelines set out the requirements for identifying who participates, the actual process of implementing these guidelines was different. The planners, professionals, politicians, and the Town Clerk eventually determined who was important and also who was not important to participate. The other critical aspects the City and its professionals and politicians decided on included where the participation was to be done, for how long, and even where the invitation to participate was done. Discussions with the Director of Planning confirmed that because it was a new initiative, there was scepticism by some, optimism by others, and outright rejection. The reservations notwithstanding, citizens were invited in accordance with the guidelines.

Figure 6.1: Form 8-B, 2002.

Form 8-B

NAIROBI CITY COUNCIL

PUBLIC NOTICE

**PREPARATION OF
LOCAL AUTHORITY SERVICE DELIVERY PLAN
(LASDAP)**


In accordance with the Local Authority Transfer Fund Regulations, each Council is required to prepare a Local Authority Service Delivery Action Plan (LASDAP) covering three years 2002/3 to 2004/5.

The resources available for this LASDAP for 2002/03 are estimated to be as follows

| Item | Description | Amount (Ksh) |
|----------|--|-----------------|
| A | LATF Allocation for FY 2002/03 | 607,059,425/- |
| Plus B | Estimated Local Revenues for FY 2002/03 | 3,864,118,542/- |
| Less C | Amount set aside for Debt Resolution in FY 2002/23 | 489,357,126/- |
| Less D1 | Estimated costs for Salaries and Wages in FY 2002/03 | 2,186,829,472/- |
| Less D2 | Estimated costs for Councillor Allowances in FY 2002/03 | 25,210,000/- |
| Less D3 | Estimated Operations and Maintenance costs in FY 2002/03 | 1,570,544,128/- |
| Equals E | The money available for the Service Delivery Action Plan (LASDAP) for FY 2002/03 (E=A+B-C-D1-D2-D3) | 199,237,239/- |

If you have views about what projects and activities should be included in this plan, or how these resources should be used in order to improve service delivery to citizens of this local authority, please submit in writing by 8th February, 2002 to

The Director of City Planning, Nairobi City Council, P. O. Box 30075, NAIROBI
Or contact your Ward Councillor



Godfrey M. O. O.
Town Clerk

Date: 29th January, 2002

The public was invited to participate using Form 8-B. The Director of Planning told me notices were prepared and posted in selected spaces in Makadara constituency (personal communication, 15 January 2007). Figure 6.1 above, as an example, shows the notice prepared in 2002 to get views from the public. The need to participate offered a new pathway to reach the 'grassroots' as the communities of the poor were known in the City.

Figure 6.2: Certificate to confirm notification of public in Makadara, 2002

NAIROBI CITY COUNCIL



TOWN CLERK
FAX: 218291
TEL. No. 224281/217704
EXT....2223
REF: CPD/O970
DATE: 31/01/2002

CITY HALL
P. O. BOX 30075
NAIROBI, KENYA


TOWN CLERK'S DEPARTMENT

**Certification of Posting of Public Notices about the Preparation of a
Local Authority Service Delivery Action Plan (LASDAP)**

This is to certify that the attached public notice has been displayed in the following public places.

MAKADARA CONSTITUENCY

1. South B Shopping Center/ Our Lady of Mercy Church
2. Enterprise Road (At Footpath Leading Is Area)
3. Mater Hospital
4. City Stadium
5. Railway Station
6. Bahati Shopping Centre
7. Kaloleni Social Hall
8. Mbotela Shopping Centre
9. Lumumba Social Hall
10. Harambee Shopping center
11. Makongeni Estate
12. Buruburu Shopping Center /Mesora
13. Buruburu Shopping Center/Main Supermarket
14. Bahati PCEA Church
15. Bahati Shopping Center Buruburu Shopping Center /Mesora
16. Buruburu Shopping Center/WAB Hotel
17. Bahati PCEA Church
18. Bahati Shopping Center


Godfrey N. N. SS
TOWN CLERK

The notices produced in Form 8-B were prepared in English and Kiswahili. In Viwandani, the notices were placed along the Enterprise road, particularly at the junction of the footpath leading to the industrial area. The City officials ascertained that this was done by way of certificates as shown above.

From the interviews I conducted with both City officials and residents of Lunga Lunga and Mukuru Kayaba, it was apparent that no notices were posted in these settlements in 2002 or any other year. While the City officials were convinced that these notices were posted in strategic places, convenience for the City officials seemed to be the major motivation and not because these were strategic places. For a City that had, over the past five decades, grown accustomed to serving mainly the powerful it is not surprising that the most important consideration on where notices were to be posted notices was more their (the City) convenience than the convenience of citizens who needed to know about the LASDAP.

For Lunga Lunga and Mukuru Kayaba residences to rely on one strategic place obviously undermined the intention of inviting the public. Besides, the A-4 and sometimes A-3 black-and-white formats used to publicise these notices were invariably too bland to attract the attention of often very busy and mobile people who move in and out of these settlements in search of a daily livelihood. Although it was not possible to confirm if the format for the notices was intentional or simply in adherence to requirements from the MLG for preparing the Form 8-B, the overall effect was that virtually most of the residents were not aware of these notices. For instance, Mary Gina of the Wamusyee Women's group when asked if she was aware of the LASDAP, like all the other women, responded "...*hapana* [Never]!" (M. Gina, personal communication, December 28, 2006). The youth were similarly unaware of the LASDAP; "...*hapana kusikia* [never heard of it]..." (J. Guna, personal communication, December 29, 2006).

Reviewing the LASDAPs submitted to the Ministry of Local Government showed that the City of Nairobi, prepared a LASDAP each financial year from 2002 to 2005, including Viwandani. Surprisingly, however, very few people, including groups listed in these LASDAPs, were aware of the LASDAP. In Makadara Constituency, consultations were always held at the Jericho Social Hall. The consultations included representatives from the seven wards; namely: Viwandani, Harambee, Hamza, Kaloleni/Makongeni, Ofafa/Maringo, Nairobi South and Mbotela. According to the Ward Manager of Nairobi South, from his ward not more than ten people attended these consultations each year (S. Ngori, personal communication, January 24, 2007). The consultation meetings were woefully truncated because discussions were held for an average of four hours (C. Gut, personal communication, January 15, 2007; S. Ngori, personal communication, January 24, 2007).

The four-hour consultations that were held show that they make a mockery of participation. For instance, with at least ten representatives attending for each of the seven wards in attendance and another ten officials from the City makes for at least eighty persons. If forty-five minutes were removed from the four hours for the meeting, then eighty people would realistically have 195 minutes to participate. If the 195 minutes were used equally for each participant, they would have two and a half minutes. Although hypothetical, from the outset there was enough time for participation but not the least consultation that the LASDAP guidelines set out to achieve at this stage.

The above practice, confirms an important consideration Moser and McIlwaine (1999:208) have with respect to the perception that safety researchers have in participatory urban appraisals; "...It should not be assumed that researchers feel comfortable in low-income communities with high levels of violence. Depending on their experiences, fear may be an issue amongst researchers." It would not be far-fetched to argue that City officials, because of fear, combined the consultation meetings to be held at a safe venue with the shortest time possible.

While the public was informed through notices, the participants in these consultations were invited via letters to their organisations. Because the organisations in Viwandani did not have copies of the correspondence inviting participants to the consultations, it was not possible to confirm if the said participants were indeed invited. The method adopted by the City to elicit participation in the consultations was problematic. For a ward with a population of close to 100 thousand (Government of Kenya, 2010) to rely on a single notice and invitation to organisations meant that attendance was not always assured. The defiant practice by the City demonstrates Galbraith's (1983) conditioned power. This level of awareness was consistent with findings of a later study on the LASDAP in Korogocho, where only 1 per cent of the respondents said they were made aware of the LASDAP through public notices (Cifuentes *et al.*, 2007).

Compared with equally difficult participatory processes such as the participatory budgeting in Brazil (for example Coelho, 2004; Acharya, Lavallo and Houtzager, 2004), the participation referred to during the consultation phase in Viwandani was simply a sophisticated form of manipulation of citizens. However, the use of conditioned power in this case shows how power affects participation. While the City may argue that because they complied with LASDAP guidelines they indeed carried out a participatory process, adherence to these guidelines on the LASDAP merely serves to build a façade of participation.

From the accounts of officials of the City of Nairobi and the Councillors, representatives from the wards always determined the priorities for each ward. Priorities and projects for the LASDAP were identified through consensus. These projects and priorities, "...the prioritisation was arrived at by voting" (J. Ganjo, personal communication, January 25, 2007; C. Gut, personal communication, January 15, 2007; S. Ngori, personal communication, January 24, 2007). At the consultation meetings, a facilitator drawn from the LASDAP Technical Committee (LTC) collated the needs and projects identified. The reports from the consultations meetings were then

submitted to the city-wide consensus meeting for consideration a few days after the consultations. After the consultation meetings;

Then a technical committee meets here [at City Hall] and comes up with a budget, compile all the projects and activities, which we then take to the consensus meeting. Two representatives attend the consensus meetings from each ward and the Councillors (J. Ganjo, personal communication, January 25, 2007).

The consensus meetings, like the consultations meetings, normally covered four hours and the facilitator of these meetings was drawn from the LASDAP Technical Committee. These meetings also had an average of a hundred participants. In these circumstances, the only way real consensus could have been arrived at was through what Lukes (1974; 2005) in his radical view of power avers: through a conspiracy of the powerful where the truth is hidden from the powerless.

The purpose of the consensus meetings was often to confirm decisions, priorities and projects identified by the consultation meetings. At the consensus meetings, the budgets prepared by the LTC were also ratified before any submissions to the Full Council were made. Nonetheless, accounts from people who attended these meetings noted that these were often acrimonious as councillors often sought to overturn decisions made by the consultation meetings (for instance E. Geva, personal communication, December 20, 2006). After the consensus meetings, the LASDAP Desk Officer together with the LTC then prepared a preliminary report to the LASDAP Committee of the City of Nairobi. The LASDAP Committee would then work with the LTC and LASDAP Desk Officer to prepare a report for approval at the full council meeting. At the full council, the report from the LASDAP committee would normally be approved, although with some minor changes and in other cases with major alterations before the LASDAP Desk Officer and Town Clerk would authorise to prepare the LASDAP.

Even though it was meant to be a participatory and inclusive process, from the accounts given it was obvious that the consultation/consensus phase of the LASDAP was largely a technocratic affair where a few technocrats with the support of powerful politicians prevailed. Officials of the City of Nairobi tightly controlled the process by determining who attended, what was prioritised and what was approved in the full council meeting. Because throughout this process the powerful actors invariably co-opted other willing actors in their schemes, it is reasonable to conclude that the LASDAP was operationally aimed at promoting rational choice participation – a rational activity with actors seeking maximum benefits at the least cost.

Although some would argue that such a process was necessary to achieve participation within such tight delimitations as outlined in the Ministry of Local Government guidelines for preparing the LASDAP, this only undermined the expected participation and ensured that any participation was notional. The experience of participation during the preparation and consultations of the LASDAP in Viwandani support Chambers's (2005) thoughts on power and participation:

Participation is about power relations. It is about much else, as well; but power relations are pervasive: they are always there, and they affect the quality of process and experience (Chambers, 2005:113)

6.4 Design, Agreement and Finalising the LASDAP

From the above, it is abundantly clear that any pretence of citizen participation terminated at the consultation stage. The City of Nairobi officials and politicians then took over the process often in total disregard of any decisions that involved citizens. A former Director of City Planning noted:

Like during those forums people were talking about priority areas and everybody worked on something from their own local levels from their estates, neighbourhoods and got them to the forum and priorities were

worked [out] on the basis of what presentations people made. So it was a bit tricky, although of course councillors sometimes tried to force things they think would give them political mileage. So the challenges were quite often between politicians and the residents. For us as officials the most difficult thing would be instances where having done transparent priority ranking in public instances, where councillors try and overturn the publicly done priority rankings. That's what I would say constitute as the biggest challenge we faced because the law would forbid anyone of us changing the rankings as long as they are done publicly (P.S. Oluwa, personal communication, December 18, 2006).

A consultant who facilitated most of the initial consultations and who was also very closely associated with the implementation of the LASDAP in the city was more emphatic. He believed that citizen participation was dead in the water much earlier. He poignantly related a specific account that was typical of the consultations and the threats they faced in this way:

And my personal regret in these processes and which made me almost to disengage was during one of those validation workshops and after three members of communities had been selected from each ward and told to come. At the end of the day, and I will never forget this statement. A councillor stood and confronted his own members who were articulating the three items that they preferred to see happen and the reasons for that; he came and told them "who do you think you are? These things are going to come to the full council. At that point I will have my way." I felt as a professional seriously compromised that I was actually getting involved in a process that was not what I thought it was. That all these other processes that you are doing but the final decision lies in the council. And this is the reality that I began to see (E. Geva, personal communication, December 20, 2006).

Although Wagle (2004:7) argues that it is not possible to attain full citizen participation on every policy problem with every actor, Oluwa (personal

communication) and Geva's (personal communication) views above confirm that the processes of securing agreement in the LASDAP were not at all democratic. The small numbers of politicians and technocrats realise such undemocratic decisions through condign power. They prevail and win submission of the marginalised majority in the meetings because they have more resources and instruments and an institution that favours the powerful and excludes the poor. Thus confirming Putnam (1993) and Lane's (2005) views of institutions shaping the behaviour of the actors.

While there was clearly limited scope for citizen participation both in the first and second phase of the LASDAP, the powerful officials and politicians gave undermined participation in the full council meetings. Even in the full council, the division between the rich and powerful officials and politicians on one hand, and their powerless counterparts was much more pronounced. The City officials were more careful and tended to allude to interference by councillors (N. Linge, personal communication, December 15, 2006; C. Gut, personal communication, January 15, 2007; J. Ganjo, personal communication, January 25, 2007). The politicians, however, saw and understood the decision-making and absence of participation in the design and finalisation of the LASDAP as, "...simply as politics at play..." (K. Maina, personal communication, February 6, 2007; J. Mwai, personal communication, January 22, 2007). Another councillor, during decision-making in full council, said:

We are careful. The meetings have to be smooth because as a councillor representing poor people in the slums I can even lose out completely. While I'd have loved to get, e.g., 20 million [Kenya Shillings] for the needs in my ward, the councillors from the rich suburbs such as Karen must get more money. We have learnt that if these councillors [from richer wards] decide that the poor wards get only 1 or 5 million that is fine. If you are troublesome, you will never get anything. Moreover, we are threatened that the money can always be returned to the Ministry of Local Government. If you are a fool, you'll say, "Yes let the money be returned." So to get something for your

residents and voters, you take whatever you are given (O. Retep, personal communication, January 6, 2007).

Upon approval by the full council, the LASDAP Desk Officer and Town Clerk would compile the LASDAP and other supporting documents for submission to the KLGRP/MLG in November of each year. These submissions were normally filed in the third week of November (P. Mau, personal communication, January 9, 2007; J. Ganjo, personal communication, January 25, 2007). The guidelines (Republic of Kenya, 2005: 22). In addition to the above-mentioned processes, stipulated additional documents that were to be filed together with the LASDAP are as follows: forwarding letter signed by the Clerk; description of the process; an explanation of any deviation from the guidelines; a copy of the status report used in the consultations and consensus meetings; extract of full council minutes approving the LASDAP; and other relevant forms. These guidelines also outlined penalties for late submission of LASDAP to the KLGRP/MLG as follows.

Table 6.1: Sanctions for Late Submissions of the LASDAP

| Date of Submission | Penalty |
|---------------------------------------|--|
| On due date | None |
| Up to 30 days after due date | Local Authority receives 85 per cent of LATF/LASDAP allocation |
| Between 30 and 60 days after due date | Local Authority receives 60 per cent of LATF/LASDAP allocation |
| More than 60 days after due date | Local Authority is denied LATF/LASDAP allocation |

Source: Republic of Kenya, 2005: 22.

Notwithstanding the above requirements, the City of Nairobi was also required to submit copies of the material submitted to the KLGRP/MLG to: the Permanent Secretary (PS), MLG; Coordinator of the KLGRP; PS, Ministry of Finance; Provincial Local Government Officer, Nairobi; the Provincial Commissioner, Nairobi Province; the Secretary General, Association of Local Government Authorities of Kenya (ALGAK); Members of Parliament; the Chief Executive of the National Council of NGOs; and any other person the PS of MLG directs. The LASDAP Desk Officer noted that after successfully

submitting the LASDAP to the KLGRP, the first disbursement of funds from the LATF was received only a year later, in October of the following year (J. Ganjo, personal communication, January 25, 2007). The above process of sending copies to various actors in local and central government was of superficial value to participation or even accountability. My finding was that the most important actors, the poor, were systematically excluded and their views disregarded throughout the preparation of the LASDAP.

The stringent requirements for preparing the LASDAP notwithstanding, c265 of the Laws of Kenya that governs the operation of the City of Nairobi often conflicted with the LATF Act (1999) and the LASDAP Guidelines. Cap 265 empowered the City of Nairobi to enact subsidiary legislation or by-laws. An example that was often cited by the MLG was that whilst the LASDAP Guidelines required the plans to be approved by the full council of the City, virtually all plans prepared and submitted by the City of Nairobi to the Ministry of Local Government, though approved, did not always reflect what had been agreed in consultations prior to the Full Council approvals (C. Gut, personal communication, January 15, 2007). Indeed the Full Council approvals were not a confirmation that the views of the poor were secured in the plans or that the process of arriving at the final plan was participatory, but instead that there were Full Council meetings held.

Further, as mentioned by the Deputy City Engineer (ibid.) there were also cases, where LATF/LASDAP allocations to the City of Nairobi had been diverted to fund other purposes than the LASDAP for which they were released. The LASDAP Desk Officer confirmed such instances existed.

I cannot say that it has contributed a lot because from my own personal experience like now this Council owes the LASDAP Desk about 500 million shillings but even if that money was to be brought today in one disbursement, you find that there are other problems that are there including what I have told you that this Council has a shortage of technical staff it has not been able to attract good people. It has become like a training ground. People come here and then they leave

because of the poor remuneration and delay in their salary and of course other things but the situation now is improving but those are internal problems that we are addressing and they are infact [in] progress [of] being addressed. If you look at the projects we implemented in the last financial year now you would find that even the numbers of project being implemented are continuously rising. Why has this one happened? We have been able now to facilitate our officers more properly (J. Ganjo, personal communication, January 25, 2007).

Although not directly referred to during the field studies, since diversion of LASDAP funds from the Ministry of Local Government was possible, even diversion of funds for projects in the wards also seemed entirely possible. For instance, whilst the two-year delays in completing the foot bridge in Viwandani was blamed on disbursement and other logistical requirements imposed on the process because of the need to satisfy compliance to the LASDAP guidelines, it was also plausible that such delays were occasioned by mere diversion of funds. The difficulty to confirm the veracity of claims by officials of the City of Nairobi, and the overt disdain by these officials to nurture citizen participation in the LASDAP processes provided justifiable grounds to conclude like Flyvbjerg (1998) argued in the city of Aalborg, that the City, an institution which represents public interest, was embedded in covert power relations that brutally protect and promote the self interest of a few powerful individuals.

Like the Norwegian parliamentarians' behaviour on the transport committees in Norway (Sager and Ravlum, 2005), the Nairobi experience with the LASDAP discussed above lends credence to the usefulness of institutionalism in discerning certain behaviour - the institutional context affects the action of actors. Confronted with questions such as: why do politicians not always take into consideration expert inputs in their decisions? Why do elected politicians demand more analytic planning models only to ignore them? And why do planners and other City officials produce policy-making inputs but politicians do not find these useful? The evidence from the LASDAP in Nairobi shows

that institutions, like in Sager and Ravlum's (2005), provide a useful and convincing way to understanding why politicians may not implement planning proposals for poverty reduction.

6.5 Reducing Poverty through the LASDAP: Implementation, Monitoring and Evaluation

The Deputy City Engineer, one of the key officials who was involved in the LASDAP from its inception, described the implementation phase as follows:

As council we are not able to give the evidence and quality for the money for the LASDAP projects we implement within the contract period and also being transparent and also accountable.... And we found out that one of our key problems was the disbursement of the funds; you find that LATF disbursement comes to the council in three instalments; the first one comes around September then the next one comes in around January or February and the final will be disbanded from the council from I think around the end of April or early May. So you find you may have started a project and we are not able to actually pay the contractor on time because the Council does not have that money in the account. The other issue you find is that maybe the funds were there but they were used in other projects. Now when this comes out during the consultative meeting the residents don't know that you do not have the power as a professional to actually assign money or funds to the project that was agreed during the consultations. You are only able to consider projects for which you are allocated funds [by the City Treasurer and Town Clerk]. So you find the challenge is that yes they have identified a project in each ward but it is not implemented (C. Gut, personal communication, January 15, 2007).

In a discussion on how the LASDAP had been implemented in the Viwandani ward during a focus group discussion, one of the participants' (a community

member) views that was unanimously supported by the others in the group was as follows:

I thought I understood a lot of things in this settlement, but it is clear only a select few participated in the LASDAP meetings. These meetings were held in secret yet they were supposed to discuss matters affecting everyone. These meetings should have involved all stakeholders who would have definitely identified the key priorities ensuring that everyone is held accountable but this never happened (T. Kiozi, personal communication, December 31, 2006).

The willingness to discuss belied the apparent helplessness and resignation of a lot of residents to exclude the LASDAP. In an attempt to justify some of these actions, the LASDAP Desk Officer shared an experience from the wider Makadara Constituency as follows.

I have always recommended that we bring to a stop the public forum and then we have a lot of consultation with stakeholders; why am I saying this? This is because sometimes the consultation meetings have also been abused. Remember that there are also development projects and it is the councillors who want to be associated with a certain development project. If it is an MP and he wasn't to be associated with a certain development project at such times you find that there is a lot of lobbying so that councillors will come with [their] group, the opponent will also come with their groups and sometimes there is no harmony. I have to give an example. I don't know whether you have come to the Jericho Social Hall meeting? You should have come to the meeting at the Jericho Social Hall because it was one of the meetings that was very chaotic, the most chaotic meeting and we have had problems with that area in Makadara Constituency, sometimes you find that this meetings are attended by idlers, people who are drunk. I will give you an example and maybe you can borrow some of the video tape that we took because we video-taped some of these proceedings I give you an example Makadara Constituency

Jericho Social Hall (J. Ganjo, personal communication, January 25, 2007).

Despite the challenges of implementation and the requirement to address the needs of the poor, the emphasis in the LASDAP was on provision of basic services. In Viwandani, these services include the footbridge, providing murram¹⁷ for the main access road in the Lunga Lunga settlement and in the odd cases, school fees subsidy - a bursary for children at some primary schools. Emphasising the identification of the communities' priorities, whilst much desired and seemingly innocuous, further disadvantaged the needy, especially the most needy of the poorest of the poor in the Viwandani. For instance, despite the enormity of the needs in the community, only a footbridge was constructed over a period of two years.

Whilst it was justifiably argued by the community that they needed the bridge as evident in the improved safety for children who use it to go to school at the Catholic mission across the river (N.N. Athoni, personal communication, December 23, 2006; M. Ngari, personal communication, December 23, 2006; L. Hera, personal communication, December 22, 2006; S. Njira, personal communication, December 28, 2006), it could similarly be argued that by concentrating on this bridge, the LASDAP further marginalised the neediest since their needs were not really provided for over the period of this study. But how did the LASDAP succeed in doing so little for the poor whilst at the same time claiming it was addressing poverty? I address this next.

I identify the strategies that sustained the detraction from the poverty reduction agenda in the LASDAP in Viwandani ward, and by extension in the City of Nairobi. Trying to show that provision of basic community infrastructure was the same as poverty reduction was the first strategy. The second strategy was achieved through configuring the LASDAP as a participatory process through which citizens identify their priorities, thus implementing the LASDAP and addressing poverty. The final strategy was the attempt to show that the

¹⁷ In common usage means earth material used in building roads.

City of Nairobi is helping the poor despite her financial constrains. These discursive strategies have constituted a 'poverty reduction' as the population of Viwandani accepted puny provision of basic services.

6.5.1 Conflating Service Delivery and Poverty Reduction

For the City of Nairobi Provincial Administration, the Central government and other professionals, the poor were generally perceived as those who earn low incomes, live in informal settlements, and have limited access to basic services. Yet, in claiming to address poverty, there was a seemingly unanimous view among these local and central government officials and even politicians that through the LASDAP and in providing services, poverty was finally being addressed. For instance, one of the Ward Managers in Makadara Constituency claimed:

What I understand with City Council *ama katika zile njia* [or from the ways] City Council *nimepata wakijaribu kusaidia watu kama hawa* [I have found the Council trying to address the poor] through *tuseme hospitali* [for example health services], clinic like here in Nairobi south, I have one clinic which is based next to Plains view Estate, so *huko wamapata* [so on that side they have received] free clinic *pande ya mama na watoto so hiyo ni moja ambayo naona* [with respect to women and children, it is not a case of one or so that the] City Council *inawasaidia sana hata wao wenyewe* [is helping them a lot – the women and children] whenever maybe *unapatia* [the Council is to provide] services *pande ya* [like the] clinic *zile* [where] side *pande ya* [like the] environment *unapata wao wenyewe wanasema* in-fact *wanafaidika pande hiyo* [the citizens will tell you that they indeed benefit a lot from these services] (S. Ngori, personal communication, January 24, 2007).

There was a unanimous view among the key City of Nairobi officials that by providing services, one was addressing poverty. But there was also disquiet

whenever I sought to know if the City of Nairobi was addressing poverty. On this subject, some were ambivalent, and others preferred not to plainly share their views. For most city and central government officials the City was not responding to poverty (for example C. Gut, personal communication, January 15, 2007; K. Roge, personal communication, January 3, 2007; T. Norot, personal communication, January 11, 2007; P. Aviti, personal communication, December 20, 2006).

In Lunga Lunga and Mukuru Kayaba, even though the residents appreciated the need for provision of basic services, they also expressed considerable clarity on the distinction between service delivery and poverty reduction. For the residents, providing services was mandatory to address the *shida*¹⁸ but poverty reduction meant above all else treating the poor in these settlements as human beings.

At a conceptual level, poverty can be described as lack of basic services: the provision of such services is not the same as poverty reduction and does not necessarily result in poverty reduction. Thus, even if the services provision in Viwandani was improved beyond the current pitiful levels of one footbridge every five years to radically higher levels where virtually all infrastructure in the settlements was provided, it was improbable that poverty would be reduced. In Chapter Two (section 2.3) it was evident that if poverty were to be reduced, it required moving beyond the current conceptions of poverty and poverty reduction. The services delivery idea espoused by the proponents of the LASDAP in the City of Nairobi was not an exception.

Finally, there was no credible information on poverty. Lack of clarity in the conception of poverty reduction in the LASDAP for the City of Nairobi, at the time of the study and absence of credible information on the scale of the demand for services in Lunga Lunga and Mukuru Kayaba shows the paucity of information acquired and interest in poverty reduction. For instance, the Nairobi Water Company (NWC) in the City had, at the time of this study, only

¹⁸ Literally meaning intractable problems, but in the context of the interviews meant denial of services and living in squalor.

completed its strategic plan; but in the plan, the NWC only catered for water and sewerage services for the formal settlements. The effectiveness of the NWC, particularly from civil society, indicated that the company had not properly accounted for the needs of population in the informal settlements like Lunga Lunga and Mukuru Kayaba in Viwandani ward (P. Iuki, personal communication, January 14, 2007; J. Jomo, personal communication, January 3, 2007).

There were still other officials who argued, "... as long as the Council is putting in infrastructure it is responding to poverty" (K. Roge, personal communication, January 3, 2007). Yet, during the field studies I found that water supply along the reticulation lines near these settlements where the population drew water had been terminated because of disputes over proposed water tariffs. Even if we were to accept that provision of services addresses poverty, in the absence of a credible plan for the provision of these services and evidence on how this addresses poverty, such views are misleading as they conflate service delivery with poverty reduction.

6.5.2 Constituting the Well-Served Citizen

The basic argument made by government was simply that since the allocations for the LASDAP and other devolved funds had increased, Local Authorities had been able to provide more services than before, thus the citizens were well-served. Whilst persuasive, this argument was not supported by any evidence. On the contrary, a recent study (Lubaale, Agevi and Ngari, 2007) reviewing the LASDAP approach in the whole country (Kenya) found that there was no evidence to support such claims. Instead, the study (ibid.) found that whilst there had been increments in the LASDAP allocation to the Local Authorities, including the City of Nairobi, the pervasive trends of fragmenting funds by equally sharing these among wards the puny amounts¹⁹

¹⁹ From the LASDAP records at the City of Nairobi and the Kenya Local Government Reform Programme, Viwandani ward has since 2002 received an average of Kenya Shillings 3.5 million or U.S.\$39,000 each year to provide services and reduce poverty, in addition to other priorities.

finally allocated to the wards delayed disbursement of funds by the Ministry of Local Government, poor implementation and the lack of prioritisation in planning for the LASDAPs greatly undermined any anticipated improvements in the service provision. As shown earlier, service provision was not equal to poverty reduction, thus the argument would not be tenable even if the services were provided.

Discursively, the language and tone employed by officials in articulating the position of a well-served citizen is cautious. For instance, in the following excerpts of interviews from the officer-in-charge of the LASDAP KLGRP at the Ministry of Local Government and the LASDAP Desk Officer at the City of Nairobi, the typical responses from government officials are evident. When asked to describe the City of Nairobi's response to poverty, the official from KLGRP responded as follows:

The City of Nairobi as the Council, that is a difficult one, I think that should come from the Council, but, they are trying, of late, in the recent years, from last year there has been tremendous improvement, especially in the services they are providing, you know they have also to give services for people to be able to get access to it, and that helps in trying to meet some of the basic needs they require but, I don't know really how to respond to that one, especially from City Council, have not seen any opportunities that they have created apart from beautification [that] is what has been taking place, they have tried to beautify this city, the planting of trees the cleaning of the streets. Now with the privatisation getting into [the] Water Company at least those services of water are improving. (E. Wanga, personal communication, January 19, 2007).

When asked about the outcome of the LASDAP in Viwandani, the official from the City Council responded:

I think those projects that have been implemented have had impact. I will give an example; we have been able to do about four bridges some

of them are travel bridges others footbridges in Langata-Kibera area and people used to be swept away by flood[s]. People used to be swept away by water but now it is no longer happening because now they can be able to access or cross the valley using those bridges. We are also now doing security lighting. Like now we are to restore security in Huruma, public lighting in Huruma. We are about to install more than 30 high masts under LASDAP, in fact the tender has already been given and most of those places, most of them they are in the informal settlement. Some several ones in wider Karen, several in Kangemi, one or two in Viwandani, so we have been able to do quite a lot in the informal settlements really, I can say they have had a lot of impact and let me tell you, if I was to preach the gospel I would preach the LASDAP because they are very small projects that have a lot of impact if they are properly implemented. But there are also projects that are very sensitive because if they are not implemented on time or you keep on going back to residents on identification of their need and you are not doing what they have done they can also have a lot of repercussions but we have seen a lot of progress on the same (J. Ganjo, personal communication, January 25, 2007).

The circumsppections notwithstanding, in the above excerpt the allusion is to the provision of services that was without mistake. Many of cases, the evidence for provision of services were often the payments made by the City of Nairobi. The difficulty to ascertain the implementation of projects was openly acknowledged by officials both at the KLGRP and the City of Nairobi (for example C. Gut, personal communication, January 15, 2007; P. Ogon, personal communication, November 9, 2005; February 5, 2007; R. Ameu, personal communication, November 7, 2005; E. Wanga, personal communication, January 19, 2007). However, the belief that those services were provided because money was spent by the City Council, even though widely held, was not substantiated. There was a remarkable scepticism evident among the politicians and officials from the Provincial Administration. For instance, the Chief of South B when asked about services provided by City of Nairobi through the LASDAP, was less enthusiastic:

Well, of late we have not seen much that has been done by the City Council because they have the structure, but the problem is implementation of those structures within a given area. *Ndio inaleta shida* [that is what is problematic] because like when we say the City Council has decentralised services to the ward level and you find at the ward level we have the ward manager, we have the division manager at division level who reports to the Town Clerk, the requirement, the services that these people should offer to *wananchi* [common citizens] are many but there is, if you can allow me to mention, none. (L. Anguyum, personal communication, January 10, 2007).

The councillors felt that staff of the City of Nairobi were mischievous because they delayed the contracting process and in some cases were outright corrupt, “They eat all the time” (O. Retep, personal communication, January 6, 2007; K. Maina, personal communication, February 6, 2007; J. Wai, personal communication, January 22, 2007). Whilst the residents shared the councillors’ sentiments, they did not completely absolve their councillors from malpractices in the LASDAP process. Most felt that the costs of the projects implemented were often inflated. However, since the City of Nairobi did not have any credible monitoring and evaluation process for LASDAP projects, the allegations by the councillors and residents, even though plausible, could not be confirmed.

My observation of the physical conditions in these settlements confirmed the views of the residents that they were denied basic services and even the footbridge constructed was derelict and not entirely safe for the users. With the exception of the pit latrines at the primary school and at the Chief’s Camp, in Lunga Lunga much of the settlement did not have toilets. A total of 15,000 people had less than fifteen pit latrines. Moreover, the residents who could afford it paid a user-fee of five shillings for each visit to these facilities. Given the low incomes of most families, it was unlikely that the people could afford such critical services. As in Nairobi’s other informal settlements, human faeces were visible along paths and alleys.

6.5.3 Charitable yet Constrained

The third discursive strategy deployed by the City of Nairobi was to portray the City of Nairobi as benevolent, with limited finances yet doing its best to provide services to the poor. This could justifiably be interpreted as a process of normalisation, where the City of Nairobi, the residents of Viwandani and any other that may be critical of Nairobi's poverty reduction interventions were contrasted against a "desired" norm. The City of Nairobi was clearly portrayed as sensitive to the plight of the poor and needy, whilst anyone with a contrary position was portrayed as hostile and ungrateful of the work done by the City of Nairobi. Furthermore, officials in the City of Nairobi argued that since the guidelines for preparing the LASDAP requiring citizens' participation were always enforced, the priorities of the citizen were invariably identified and thus formed the core of the projects implemented through the LASDAP.

With respect to how the City of Nairobi responded to poverty, the officials of the City of Nairobi and Councillors invariably use the term "help" to describe service provision. This was unusual for a public organisation like the City of Nairobi. Although outside the province of this study, the relations of the City of Nairobi with the residents or citizens challenges the ideals of public institutions in modern democratic societies whose mandate is public service. Moreover, according the Local Government Act of 1977 govern the City of Nairobi and other local authorities in Kenya, one of their mandates was to provide services, not to "help" citizens with services.

On one hand, the view of "helping" held by the councillors and officials of the City of Nairobi may be justified especially following on decades in which the City never provided any services, especially in the informal settlements. Even then, such justification would have been tenuous. Reflecting on the causes of poverty and how the City of Nairobi had addressed poverty through the LASDAP, one of the officials who were instrumental in implementing these processes in the last six years argued;

The causes of urban poverty in this city are mainly corruption, unequal distribution of resources and unemployment. Why do I start with corruption? This is a very rich corruption which comes in when we are providing services at inflated prices where an individual puts their interest first and hence the people down there never get value for money. Unequal distribution of resources or the basic services - we don't plan for the informal settlement. [...] The rich don't want to come. When they come, they are coming to do unequal distribution like the roads. If you look at the fuel levy it is specifically for maintaining roads. What roads is it maintaining? It's maintaining roads to tarmac standards. If you go to the informal settlements there are no tarmac roads, the infrastructure has collapsed, buildings have been put up haphazardly, so really until we address the needs of the urban poor this City is not going to change, and remember, more than 60 per cent of Nairobi residents live in the informal settlements (C. Gut, personal communication, January 15, 2007).

The City of Nairobi was contrasting this local authority in two distinct periods – before and during the LASDAP. Before the LASDAP the City was insensitive, perhaps callous, particularly to the poor, but with the LASDAP it responded to poverty. By making this subtle contrast, the City of Nairobi was not only being constituted as benevolent but also as responding to poverty since the LASDAP caters “...exclusively for the poor....” (P. Dida, personal communication, January 15, 2007; J. Ganjo, personal communication, January 25, 2007; K. Aina, personal communication, February 6, 2007). Furthermore, related to the above, since the City claimed it was addressing poverty, the City of Nairobi was also being constituted as truthful and any other position as unreliable and ungrateful. As discussed earlier, there was no evidence to support the claims that the City of Nairobi was addressing poverty.

Arguing that the City suffered from limited finances was the second element of the discursive strategy employed to constitute the City of Nairobi as benevolent yet constrained. On face value, there is merit in this position

considering that the City was still bedevilled by enormous debt according to the Director of Planning. However, as discussed earlier, even with the LASDAP, poverty reduction was clearly not a priority of the City of Nairobi.

The constitution of the City of Nairobi as charitable yet constrained was clearly persuasive but also evidently bereft of credible evidence.—Nevertheless, it revealed a sophisticated role of power relations in constructing the façade that the City of Nairobi was addressing poverty through the LASDAP.

6.6 Conclusions

There was no convincing evidence to support the claim of citizen participation in the LASDAP that should have ensured communities' priorities were identified and addressed, thereby leading to poverty reduction. The officials argued that since they followed the LASDAP guidelines and involved citizens the correct priorities were identified. However, when the entire city held only eight consultative meetings for each year that involved an average of three people per ward (J. Ganjo, personal communication, January 25, 2007), it was doubtful that this process was participatory and was only possible because of *facipulation*.

Participation was obviously an important challenge but it was also an equally important requirement in satisfying the LASDAP guidelines. Furthermore, even with the questionable consultations at the constituencies, the consolidation meetings that brought together representatives from all the wards for ratification of the identified priorities, *facipulation* is the hallmark of the intensity and sophistication of power relations as councillors overruled priorities, replacing these with their own priorities. Evidently, the change of priorities by councillors even during full Council meetings of the City of Nairobi, whilst legally permissible according to the City by-laws, was utterly inimical of participation. This confirmed that the institutions for implementing the LASDAP were too weak to support accountability and answerability and were largely dependent on the discretion of public officers.

To be sure, the provincial administration, politicians and officials of the City of Nairobi admitted that there were some challenges in the formulation and implementation of the LASDAP. However, in some cases they argued that intervention of the councillors and officials of the City of Nairobi was justified to rectify cases of abuse of this participation process. Paradoxically, the City barely addressed poverty in the LASDAP, yet succeeded, by cleverly deploying discursive strategies, to present a façade of poverty reduction. The tenor of the language used in this endeavour rang of a patronising attitude. The language also revealed that officials and Councillors of the City of Nairobi eschewed participation in the LASDAP, especially if it ruffled the *status quo*. Furthermore, the officials and Councillors of the City of Nairobi also used immanence and condign power to show that the City was responsive. The next Chapter turns to the struggle for accountability for the LASDAP in the same constraining institutional context.

CHAPTER SEVEN: RETRENCHING ACCOUNTABILITY, DISEMPOWERING THE POOR AND POWERLESS

7.1 Introduction

In this chapter I argue that because dispositional forms of power and discourses sustain the institutional framework, these institutions have supported a serious lack of accountability. In urban planning for poverty reduction through the LASDAP, only a weak form of responsiveness is possible. By relying on the goodwill and morality of public officers, including planners, to accommodate preferences of citizens, particularly the poor, just the poorest form of accountability could be delivered by the LASDAP in Viwandani.

As shown in the discussion in Chapter Five and Chapter Six, the critical framework that should have guaranteed answerability, namely the Local Government Act, the Local Authorities Transfer Fund (LATF) Act, and the LASDAP guidelines, woefully failed to do so. Whatever prospects there could have been for ensuring answerability in the LASDAP, these were unsurprisingly dependent upon the expansive discretionary powers of public officers. With such a wide remit for indiscretion and virtual absence of sanctions to address public officers' failure to account, the analysis that follows in this section is limited to how in/discretion was exercised in the LASDAP in Viwandani from 2002 to 2005.

This Chapter is divided into six sections including this introduction. The next section outlines the sentiments of key actors on the usefulness of the framework for implementing the LASDAP. This is followed by an analysis of the first dimension of accountability – answerability. In the fourth section, I explore the failure of sanctions which is the second dimension of accountability in urban planning for poverty reduction. The fifth section shows how reliance on the morality of public officials only serves to aggravate the poverty and powerlessness of the poor in Viwandani. Finally, the Chapter

ends with conclusions that justify the correlation between accountability, empowerment and poverty reduction.

7.2 Perceptions of Effectiveness of the Institutional Framework

Beginning with the sentiments of the politicians on the LASDAP, it was clear that the institutional framework did not necessarily support citizen participation and accountability. For instance, when I sought the views of the Member of the Parliament (MP) for Makadara on the LASDAP in Viwandani, he said:

We have agreed not to interfere with the work of our Councillors. The LASDAP is for the Councillor and the CDF [Constituency Development Fund] for the MP. I don't think I can tell you more on this matter. You will have to talk to the Councillor on this one... (R. Yolo, personal communication, January 22, 2007)

The Councillor, on the other hand, has emphasised his role and his "success" in the LASDAP. But he was less cautious about his involvement with the MP.

Yes, we are doing a lot of good work for the people of Viwandani and with little money from the LASDAP. You know our money is not a lot like the CDF. I don't want to talk politics, but we could do a lot if we had the kind of money available to the MP in the CDF. We don't know what the CDF is doing here in Viwandani where we have a lot of poor people and helpless people. May be you should talk to *Mheshimiwa* [the Honourable MP] about this (K. Aina, personal communication, February 6, 2007).

The other councillors I interviewed were more direct and felt strongly that the central government was "everywhere" in the decisions of the City. They felt the central government suffocated the City (O. Opete, personal communication, January 6, 2007; J. Wai, personal communication, January 22, 2007). One of them was categorical:

No, no, this is government because the Ministry [of Local Government] I don't know how always directs the City Council! I understand when the city council is there I think we are working under a Ministry, there is nothing we can propose or we can decide to do without approval of the Ministry although in the City Council is supposed to be independent. For instance, even now, if I have to travel out of the country, I must get clearance from the Ministry. This City Council is just a name! (O. Retep, personal communication, January 6, 2007).

The staff and other officials of the City seemed more sympathetic to the Ministry of the Local Government. The Deputy City Engineer for instance observed:

The Ministry of Local Government is supposed to monitor whatever projects we are implementing. We have an officer at the Provincial headquarters [of the] Ministry of Local Government, the officer now in charge of let's say like Nairobi, he's supposed to receive all these reports on LASDAP projects on monthly basis. But as a ministry, they have never audited what we are doing on the ground (C. Gut, personal communication, January 15, 2007).

Most of the staff argued that the organisational structure in place was sufficient as it outlined roles of the different actors in the LASDAP and other City business.

While some staff felt that the organisational structure was indeed supportive of participation and accountability in the LASDAP, others felt there were serious problems with the operational aspects. A ward manager for Nairobi South, one of the wards bordering Viwandani, was emphatic:

We are told we should be involved in each and everything in the LASDAP. Well, up to date, we [have] not been involved in anything, so we are waiting, maybe when they [heads of departments and the councillors] finally come, they will involve us. My boss is the divisional

manager and the chairman of the ward is the councillor. We have never had any meeting in the ward concerning the LASDAP. What I hear from the people is that the people who are concerned plan and do everything in City Hall. Let me say; this is the main problem we are complaining about. We do not know what is happening with the LASDAP money. The people also do not know. Even when we call, and when they hear us, they tell us they are very busy; promise to call back, but they never call! (S. Ngori, personal communication, January 24, 2007)

I find the remarks by Ngori above particularly illuminating on the dynamics of power even among the relatively powerful actors in the City. To the citizens, Ngori and his colleagues in the City is perceived to be powerful. That is indeed true, but it is just one facet of the power relations. Yet from Ngori's own account, he is not as powerful, at least as far as decisions related to the LASDAP in his ward, as the divisional manager or councillor. But as Mbembe (1992) shows in his examination of the banality of power, and Foucault (1991; 2001) and Allen (2003) on the immanence of power, through sophisticated webs of discourses, practices, and relationships, Kingori remains an equally powerful actor in the City.

To address this poverty, during 2002 to 2005, it can be noted for instance that Viwandani ward received some funding from the LASDAP as shown in Table 7.1. Because of a clever use of condign power for the most part and in some cases of compensatory power, the poorest parts of the poorest ward received the least amount of financial resources. Again, through the control of resources and the use of these resources on puny services such as a footbridge, toilets and bursaries for a few children, the non-poor who do not reside in Lunga Lunga and Mukuru Kayaba appeared to benefit more than the poor.

Table 7.1: Distribution of LASDAP Financial Resources in Makadara Constituency, 2002-2005

| Wards | Allocation (Kshs) | Actual Expenditure (Kshs) |
|--------------------|--------------------------|----------------------------------|
| Viwandani | 12,784,423.00 | 1,396,745.50 |
| Harambee | 12,071,147.50 | 5,771,147.50 |
| Hamza | 12,924,900.00 | 3,025,723.40 |
| Kaloleni/Makongeni | 15,465,000.00 | 2,546,450.00 |
| Ofafa/Maringo | 13,314,135.00 | 2,025,071.36 |
| Nairobi South | 12,943,346.60 | Data not available |
| Mbotela | 10,300,000.00 | Data not available |

Source: Kenya Local Government Reform Programme (KLGRP) (2007)

The 1.397 million shillings spent in Viwandani, three hundred thousand shillings were spent in 2004 and the other in 2002. From the tables, several questions, such as “why the sparse distribution?” and “why the least amount spent into the poorest ward?” arise. It is these questions mentioned above that this Chapter attempts to unravel.

The Ministry of Local Government and the Town Clerk are the most powerful in the sense that their decisions are incontestable. The specific project committees at the bottom of the structure are also the least powerful. Although it is possible that Dahl’s (1957; 1961) notion of power as decision-making could be applied – where the Town Clerk or Minister and his Permanent Secretary could influence members of project committees, this would be unorthodox. The norm was that actors at the top of the structure decide what is important and suitable for them and impose this on the actors at the bottom who acquiesce without any protestations. Hence the ease with which the poorest ward, Viwandani, spent the least amount of money, while Harambee, which is a lot wealthier, spent the highest amount of money, as shown in Table 7.1 above.

Table 7.2: Performance of the LASDAP in Viwandani, 2002-2005

| Financial Year | Allocation (Kshs) | Actual Expenditure (Kshs) |
|-----------------------|--------------------------|----------------------------------|
| 2002 | 3,984,423.20 | 1,096,745.50 |
| 2003 | 3,500,000.00 | - |
| 2004 | 2,300,000.00 | 300,000.00 |
| 2005 | 3,000,000.00 | - |
| TOTAL | 12,784,423.20 | 1,396,745.50 |
| TOTAL (U.S.\$) | 170,458.98 | 18,623.27 |

Source: Kenya Local Government Reform Programme (2007)

The Nairobi South Ward Manager's perspective as quoted seemed typical of how the institutional framework was operationalised at the sub-city level. My experience when I visited the Ward managers' offices in Viwandani and Nairobi South wards, support Ngori's frustration; there were no records on the LASDAP at all. But at the City level it seemed as if there were no problems with the institutional framework. The head of the LASDAP secretariat noted:

Of course there is a little bit of interference of the councillors; but remember if you are a technical person like me you have the responsibility. If you are a person who will sign the certificate and say this work has been properly done and on schedule then you take full responsibility and if you allow yourself to be manipulated by the councillors then it implies that really you don't know your part. I would give you an example, if there were anybody who deals with the councillors on daily basis and who has a lot of interaction with councillors; I don't think there is any council officer who deals with as many councillors as me. But I don't allow myself to be bulldozed because one thing I tell them: they are not my employer. I am not on the councillors' payroll. So I will do my work even if they decide that I will not get a promotion; because through a councillor, I will not be sacked by the council if I have not stolen or neglected anything and I don't fear I will get a job in Kenya or outside the country because of my papers. You see this is what we are saying, that you should be able to stand your ground (J. Ganjo, personal communication, January 25, 2007).

From Ganjo's account above, it was implied that even though he might have been able to resist pressure from powerful politicians and City officials, some of his colleagues were not always successful. But it is also possible that Ganjo's colleagues never resisted but instead re-enacted power in the same way and with the same effects as the politicians and City officials to "confirm the legitimacy of the state (here read powerful politicians and City officials)" (Mbembe, 1992:4). Moreover, it would also appear that such courage and

principle, as Ganjo referred to, was the exception. For instance, one of the consultants who worked closely with the City to document the LASDAP in Embakasi constituency reflected on the institutional framework as follows.

So one of the weaknesses at the beginning of the process was the monitoring and evaluation framework that enabled partners to oversee what was happening with the budget and the implementation. So having been through the process a lot of people would have lost interest because it became a City Council-headed process. Again the LASDAP was supposed to be joint partnership, a good idea, but it went back to the conventional service by City Hall and within there we lost a lot of time, a lot of trust because things also changed on the ground in spite of the consultation and within City Hall, people only did what they thought is beneficial to them (R. Dara, personal communication, January 4, 2007).

The sentiments of central government on the other hand seemed to obliquely support sentiments of the councillors that the City was controlled. Explaining their role, the coordinator of the LASDAP in the MLG said:

Although the councillors have to approve [the LASDAP] in a full council meeting; when that has happened, there is another major issue because the citizens have identified their priorities, they are processed in the council's normal procedure, the councillors or the full council meeting can either take in or reject them. Because the approval has to come from the full council meeting, you will find out that some of the needs that have been identified by the citizens, were rejected when it comes to the full council meeting because again councillors or the officers have also other needs that they want to bring in; and therefore the *mwananchi* [ordinary citizen] now started to complain. We said this must stop last year, but this has not been implemented. Because these may have been rejected at the full council meeting and then when it is rejected at the full council meeting it is not provided for in the budget, and you can only implement these things when they have been

provided for in the budget so now we had to revise the guidelines and the instructions that we were giving to the local authorities and that's how we work (E. Wanga, personal communication, January 19, 2007).

While the Ministry of Local Government official suggested strongly that their role was advisory, the issuance of guidelines with sanctions contradicted that position. The Provincial Administration in the President's office was less circumspect but also tended to support the councillors' view that the City was controlled. The District Officer for Makadara argued:

You see the government and the City Council is just one and the same thing. So the government is the City Council, but the parent ministry is [the] Ministry of Local Government. This is the government, so the Ministry of Local Government is responsible for formulating the policies, which are the policies now, which are going to be given to the Local Authorities so that they [...] to follow them up and then implement the government policy. So in the LASDAP, the Ministry of Local Government is doing all this (T. Norot, personal communication, January 11, 2007).

There, were, however, intense and sometimes even overt rivalries between the Provincial Administration, the City of Nairobi and the MP on the "correct" interpretation of the communities' needs, priorities and, sometimes, poverty reduction. In some cases, the Provincial Administration, that is headmen, chiefs and assistant chiefs, through systematic threats of violence, such as denying residents right to reside in the settlements, enforced a stringent regime of security and order. One of the residents related some of his experiences:

Our youth are arrested without a good reason. You know the youth don't have skills and don't have jobs so they spend a lot time in the village. Sometimes they go to watch soccer and movies in the local movie houses. But a lot of time, the *askaris* [Administrative Police Officers] from the Chief's camp go around harassing us claiming we

are disturbing the peace even when we have not done anything (N. Gagi, personal communication, December 23, 2006).

Clashes between the councillor and the chiefs on the best way to provide for the needs of the residents were not unusual. Even during the fieldwork for this study, the Chief in Lunga Lunga was extremely careful when I sought her views on the LASDAP. When she finally agreed to be interviewed, she had several headmen in her office arguing:

I don't want any problems with the councillor. You know as the chief I am much closer to the people and I know what goes on here. The councillor is just a politician. If I say anything about the LASDAP projects, he [the councillor] will think I have *fitina* [jealousy] about his work. I have a young family and I really don't want any problem with the councillor and these politicians. I could lose my job.... But these LASDAP projects are not targeting the real needy people. It is just politics going on here. If something good has to happen, it must go on with the involvement of the chiefs and DO [District Officer] since we are the ones who really know what goes on in the *vijiji* [informal settlements] (D. Chiri, personal communication, December 29, 2006).

From the different actors' sentiments, nuances of the institutional framework are provided. Although it is difficult to give a broad-based assessment of the framework for implementing the LASDAP, from the perspective of the citizen, this framework was undermining the LASDAP. Most of the residents of Mukuru Kayaba and Lunga Lunga were generally cynical. But it is from the NGOs that the poor people's experiences on the institutional framework for implementing the LASDAP were best captured.

In this Nairobi City Council we have very colonial local governance structures. That is why people have been talking about reviewing the Local Government Act; that hasn't happened so we have the same colonial local governance that was basically about enforcement of order and cleanliness. The Local Government doesn't see the poor as

partners; they don't see them as partners either in service provision or doesn't see them as partners. So they are people to be bulldozed, people to be evicted, to be arrested. You see that image of the council: that the poor are basically illegal. Therefore, very colonial structure, very colonial attitudes: the city must be clean and so anybody dirty coming in is poor and they don't deserve to be in the City so for me those are the issues. And then the calibre of councillors and this is Kenya-wide; the calibre of councillors is such that none of them practically believes in working with, listening to, and addressing poverty and basically therefore it is about their own interest (J. Jomo, personal communication, January 3, 2007).

7.3 Seeking Answerability: Impunity in the LASDAP

The typical view of most of the officials of the City of Nairobi I interacted with is that citizens, particularly the poor in Viwandani were not always informed of the decisions made with respect to projects in the LASDAP. Thus, from an institutional perspective, the actions of the poor were constrained by the institutional framework (North, 1990). In one of the interviews, Dangi Imani, a Ward Manager for Viwandani claimed:

I have heard of them in the sense when we go for most meetings you hear a certain project was passed but it has not been implemented or it was not implemented, as it is being said that is the common *mwananchi* [citizen] who comes. For example, may be it is a project that was proposed to cost so many millions it is said it has done and yet they don't find the said project. These are common (D. Imani, personal communication, January 24, 2007).

Daniel Imani's was not an isolated sentiment. There were mixed views from the City officials. Some were empathetic about the citizens who they acknowledged were too powerless to reverse the state of affairs. Others, like

the Deputy City Engineer, strongly believed that the rational and objective system used to identify projects ensured reasonable accountability.

We show them that this is what your need was. This is your priority but within the allocation this is what we are able to do. So if your priority was number one then we identify a project now for that priority based on [...]. What your request was, and whether it was within the allocation. If we find that maybe for example again the example of the school the 3.5 million all be used for specific project then we advise that if it goes beyond the 3.5 million then again we would tell them that your project where as you want to do it in this first financial year it may require a longer period. So you must look at it and see that it's going to roll into the second financial year. If it's a project for 6 million then we advice them that its going to take two year such that when we come to the next consensus meeting they are aware that yes we identified 6 million, 3.5 million was funded in the first year so 2.5 million will be funded in the next year so once they agree they have to sign. We have forms that they sign, yes, that are what was agreed at the consultative meeting and has been agreed at the consensus meeting (C. Gut, personal communications, January 15, 2007).

Different sentiments notwithstanding, for the residents in Viwandani, the frustration and feeling of powerlessness were evident. Not only did the residents feel helpless, but they also did not consider that the leaders or indeed any other person of and in power and influence could be held to account to them. Peninah Syawa, a resident in Lunga Lunga, captured the sentiments of most residents thus:

We see our leaders only occasionally. There is no one we can ask. For instance the councillor, we only saw him when he was seeking our votes during the campaigns. Even for money that comes from the City [the LASDAP] we do not know how it is used and there is no one to ask. Having said that, there has been an attempt at fixing the road here; but we cannot tell how much it costs. We are aware it is to give

us an impression that they are working so that we can vote for them again in the elections next year (P. Syawa, personal communication, December 28, 2006).

Not surprisingly, there were those residents who benefitted from the current system of patronage that argued that all was well. Even though these were a very small proportion in the purposive sample interviewed, they held a strong and persuasive view that the residents were largely to blame for their circumstances and for not being informed of the developments in the LASDAP. Maina Ariuk, a resident of Viwandani, closely aligned to the powerful in the community, said:

The councillor's work is very good. The way he conducts his business is good. He has done a lot of good but his detractors say he has done nothing. Yet he has built the road all the way from down to here. Of course the roads in the settlements are impassable. But the residents are to blame because there are drains and channels that have established this. The residents continue digging to set up drains in the knowledge that nothing will be done to them. With this kind of unruly behaviour, whose problem can it be? The councillor? The residents? Clearly, it must be the residents (M. Ariuki, personal communication, December 29, 2006).

While it could have been true that the residents established drainage channels that aggravated the poor state of the 'roads' in the communities, their actions and behaviour did not justify the failure by the councillor to account for how decisions on the implementation of roads were made. Moreover, from the reference to the residents' action in seeking alternative drainage solutions in their settlement, the councillor failed to acknowledge the widespread invisibilisation of the poor conditions that the residents of Viwandani were subjected to.

My interactions with fieldwork participants, however, revealed that there were other considerations that were important in the failure by public officials to

account to the residents. Participants variously alluded to ethnicity. Women drawn from tribes other than the Kikuyu felt that ethnicity affected accountability and worsened poverty in Viwandani. On this subject, one of the women said:

I am a Mkamba, and the councillor is Kikuyu. The Kikuyus including the councillor, when they see a Mkamba or anyone from another tribe, they openly despise them. Why? When you would like to see him [the councillor] and consult over any matter, you are told to wait. You will never be seen and your concerns will never be addressed. Yet we know and we see that when a fellow tribesman [Kikuyu] seeks help or questions, the response is immediate! And it is always a positive response (M. Gina, personal communication, December 28, 2006).

The accounts above show various relationships of power between the residents of Viwandani and the public officials who should account to them. Allen's (2003) notion of power in things and mobilisation is useful in identifying the powerful and the powerless. The poor are clearly those endowed with significantly less resources and institutions, whilst the powerful such as the councillor, the City of Nairobi officials and supporters of politicians are the powerful. But more importantly, the ability of the powerful to avoid accountability to the powerless illustrates the usefulness of Galbraith's (1983) perspective of power as condign, compensatory, and conditioned. It is reasonable to argue that even if the institutional framework is supportive of accountability; as long as the same power relations exist, impunity would still thrive.

Failure to be answerable was not only restricted to public officials in relation to the residents, but also to politicians and professionals or technocrats; and among the technocrats at the City of Nairobi. The dominant view of the politicians I interacted with was that the professionals' main role was to implement decisions of the Council. They argued that as elected leaders, they were responsible for deciding on behalf of the residents. The professionals' attitude was characterised by contempt for the politicians. While it was taken

for granted by the politicians and residents of Viwandani that professionals at the City of Nairobi were obliged to account to politicians, the reverse was not the case.

On accountability for public officials, power relations were vitally important in defining the absence of or even the need for politicians to account to public officials. Reflecting on how accountability was ensured in the LASDAP, a former Director of City Planning said:

Like during those forums people were talking about priority areas and everybody worked on something from their own local levels from their estates, neighbourhoods and got them to the forum and priorities were worked [out] on the basis of what presentations people made. So it was a bit tricky although of course councillors sometimes tried to force things they think would give them political mileage. So the challenges were quite often between politicians and the residents. For us as officials the most difficult thing would be instances where having done transparent priority ranking in public instances where councillors try and overturn the publicly done priority rankings. That's what I would say constitute the biggest challenge we faced because the law would forbid anyone of us changing the rankings as long as they are done publicly (P. Oluwa, personal communication, December 18, 2006).

Because the law forbade changes, as Oluwa observed, did not necessarily mean that these changes never happened. The Deputy City Engineer guardedly observed:

Yes, after them after that you see for the Council we have different committee meetings that take place every month. LASDAP committee being one of them, but you find after all these meeting then we have the full council meeting and the full council they just pass everything that was passed during the specific different committee meetings. (C. Gut, personal communication, January 15, 2007)

Although the politicians were clearly powerful, the officials at the City of Nairobi were not as powerless as the residents of Viwandani. The politicians were invariably more powerful because they owned and controlled access to resources and institutions in the City. The politicians failed to account to professionals because they were generally powerful and succeed in imposing their will on the professionals. But instances were also mentioned in which officials also failed to account to the politicians. An influential councillor at the City of Nairobi candidly admitted:

Even when we have approved the projects and the money is received at the Council [City Council of Nairobi], it is not always easy to get things done. There are several things that must be done before any work can commence. You have to buy a goat and have *nyama choma*²⁰. Without bribing these officers you cannot get work done. You bribe to get a tender approved; you bribe to have money received, and even to get small projects implemented. It is a big network here at City Hall. There is big corruption in the City Council. The contractors and businessmen are making a lot of money together with our officers. For instance, our staff together with the auditors collude with contractors, receive hefty bribes and approve ghost projects (O. Retep, personal communication, January 06, 2007).

Councillor Retep's sentiments only support a widely acknowledged fact of the corruption at the City of Nairobi that has been a concern of anti-corruption advocacy for decades. The reciprocal and mutual failure to account or answer to one another by City of Nairobi officials and the politicians and the widespread corruption showed the insidious effects of power relations. In these relationships, neither the officials nor the politicians were powerless. This illuminates Foucault's (1991) and Deleuze and Guattari's (1988) notion of power as immanent. From the above, at the City of Nairobi, power was evidently organised through sophisticated webs of discourses, relationships and practices that produced some as powerful and others as less powerful.

²⁰ Literally meaning roast beef, but in the context used by Retep simply means a bribe or the process of giving and/or accepting a hefty bribe.

This greatly shaped everyday life where professionals were not accountable to politicians and politicians not answerable to the professionals. Depending on the issue, the professional or politicians were relatively powerless. But because the power relations were always being reproduced, the effects of power were dynamic and not static or stable.

As Cahill (2008:289) notes, from the shifting powerlessness and powerfulness between the politicians and professionals, reproduction is "...not only enacted by the powerful but is also dominated by subjects acting socially defined roles and identities." In Nairobi, the community members including the poor are integral actors in the enactment and re-enactment of power and the continuity of corruption. Whilst the corruption that stymies the LASDAP in Viwandani vindicates Mbembe's (1992; 2000) notion that Africans are thoroughly corrupt, it in one way makes this a uniquely African phenomenon.

The power relations between the main actors in the LASDAP in Viwandani, as shown above, created conditions for impunity to thrive. Hence, within the institutional context that curtailed participation and accountability it was not surprising that seeking answerability in the LASDAP was virtually impossible. I now turn to how the citizens ensured redress for failures to account by politicians and professionals or how the latter addressed the glaring breach of public trust.

7.4 Sanction? Protecting the Powerful While Ignoring the Powerless

In addition to answerability, to assess accountability in the LASDAP, I also attempted to establish the consequences of failure to give account by public officials. Although sanctions relying on the moral considerations of public officials are arguably the weakest form of accountability, these for the most part were found to be scanty in the LASDAP in Viwandani. The relationships between the public officials and citizens show that by use of mainly condign power few sanctions were applied to against the powerful, hence underscoring the failure of sanction and privileging of the powerful.

The main types of sanctions provided were at the discretion of public officials. But even within such spaces the regulations provided for the Ministry of Local Government in preparing the LASDAP, the residents of Viwandani who I interacted with were generally sceptical about the possibilities of invoking these sanctions. When asked what challenges the LASDAP was faced with, Viwandani Lunga Lunga resident, Joseph Joro's response, captured the overwhelming sentiments of virtually all the residents I interacted with:

That is why I will reiterate the point I have made, and I guess many others have told you, or will tell you: we cannot ask any question or question anything because the person we have been obliged to work with is the councillor. When he receives funds from City Hall for projects, we just have to accept whatever he tells us. There is a committee that is charged with the LASDAP but it is not serious, it is a waste of time. If it were serious we would challenge a lot of things that are reported to us. But the councillor is really the beginning and the end. So we cannot challenge anything. We only see with our eyes. There is no inspection. We just see things done, then hear it is the LASDAP. How decisions are made, and how much was approved and finally how much it eventually cost, all remain a mystery (J. Joro, personal communication, December 22, 2006).

In the context of the unfavourable and limited space, the scepticism of the residents about the usefulness of sanctions amidst spiralling impunity is best understood through Foucault's notion of disciplinary power. The normalisation of impunity and attendant invisibilisation of the subjugation of the residents was possible through multiple strategies such as coercion, authority, and manipulation (Allen, 2003). While there was a widely acknowledged self-censorship among the residents of Viwandani, the environment during the public meetings for the LASDAP was also too hostile to facilitate the enforcement of any form of sanctions. A chairman of the movement of residents of informal settlements in Nairobi related the experience at these public meetings as follows:

In most cases you find that it is the area councillor and his people whom he elected or appoints who would decide what project could be carried for those monies. So you find the community are not so much involved in those discussions because I have attended more than two meetings, but [of] all that we proposed there, nothing is considered, it is them [the councillors and their cronies] who decided what. (E. Mema, personal communication, January 6, 2007).

He continued,

They [the citizens] know, sometimes they don't know, what to do because they fear, because you see all these councillors they have their youths who normally walk with them when they have those meetings so the moment you start arguing with him, you find that they can even beat you. So that way you find that the community themselves because they don't want to risk their life, they just keep quite and leave it that way (ibid.).

While in some cases the application of power was subtle, in the case Rema refers to above, it was simply sheer intimidation and the threat of use of brute force and violence. The councillors and their cronies enjoy power and are more powerful than the residents of Viwandani because of the "power in things" (Allen, 2003). The councillors are vastly wealthier than the residents, and in their stock of things or resources are the youths who execute their orders. Moreover, the power of the councillors was evident in the use of their resources. Here, the common use of their resources was unleashing terror and fear in the residents.

In other instances, the residents of Viwandani were simply cynical. For instance one woman in the Lunga Lunga settlements expressed such cynicism as follows:

The councillor and the MP [Member of Parliament] have their committees. In the LASDAP we have heard that each village is supposed to be represented by a resident. In the whole of Lunga Lunga we do not have a representative. It is not surprising that we do not know what happens in the LASDAP. We hear some rumours that 90 million [Kenya Shillings], sometimes 30 million [Kenya Shillings] and then 3 [Kenya Shillings] million will be released to the LASDAP. Some of this, the councillor is the one who tells people. But the councillor has never formally and openly told the residents how much money eventually gets released for work. Anyway, it is all up to him (P. Utho, personal communication, December 28, 2006).

Although there are a variety of experiences to draw from, the pattern that emerged was one that clearly points to a subversion of sanctions by the powerful actors in Viwandani. Both the powerful and relatively powerless and how they interrelate and interact invariably determined the extent to which even the weakest sanctions were enforceable. Surprisingly, however, was the bold admission of the failure for accountability by the District Officer of Makadara Division with administrative oversight for Viwandani ward. He said:

Also I would say that when the funds have been put into place, there is that lack of accountability and transparency. The money does not match the project, some of their projects are exaggerated so you go to a footbridge, and someone [the councillor or City of Nairobi officials] is saying it is costing two million when you can see that even two hundred thousand can do the said job; there is that lack of proper rules and guidelines as to how these funds should be managed. So there are so many loopholes that we need to address as the government. The rules and guidelines should be very stiff so that people do not mess around with these funds (T. Norot, personal communication, January 11, 2007).

It was probably much easier for the District Officer as staff of the Office of the President (OP) to admit to the absence of sanctions in the LASDAP because

it lay outside the direct control of his massive resources. However, it was also possible that such an assessment was based on an intimate understanding of the operations of the LASDAP as the Office of the President official who was directly charged with controlling and coordinating all development and security matters in the district. Moreover, there was merit in Nyoro's argument that the rules and guidelines should be stiff, but the evidence on accountability so far suggests that the stiff rules of and on their own were not the panacea for accountability. Stiff rules and guidelines did not confront the unequal power relations or empower the citizens, especially the poor, to gain control, access and use of the resources and institutions of the more powerful.

The collapse of sanctions evident in the protection of the powerful with the corresponding and continued disempowerment of the poor and powerless, on one level was the work of complex processes of domination. Yet, on the other hand, the sustained subjugation of the poor and powerless also is a product of 'reversed' resistance or perpetual domination, where the powerful enact power in various ways to continue in the roles of privilege and impunity. But as the evidence also shows, to protect the powerful whilst muzzling the powerless in the LASDAP was also possible through multiple strategies employed to negotiate power.

7.5 Responsiveness: Clutching Thin and Brittle Straws

This study further attempts to establish the extent to which public officials exercise their moral obligations to consider preferences of the citizens, especially preferences of the poor in decision-making. The responsiveness is assessed both from the perspective of the citizens or residents of Viwandani and the public officials. Beginning with the citizens; surprisingly, in spite of the negative effects of the power relations such as denial of answerability and sanctions, the residents tend to be a lot more optimistic of possibilities for public officials being responsive and being morally persuaded to consider their preferences in decision-making. One of the women from the community I interacted with in this study noted:

We do not have problems with them [public officials]. You know when official is posted here, we observe to know if the person is good or bad. If the official is bad we can always reject them. But some are posted and they are just like our youth, they are concerned about our welfare and we cannot reject them (S. Njira, personal communication, December 23, 2006).

But even with such optimism, Njira continued,

We are also stunned as well. For instance when you have a chance to meet with the chairman of the village, he casually informs that on Monday the road will be built. You see that even if you [the residents] did not need the road; the road will be built because they [public officials] have decided. We have no choice but to accept such arbitrary decisions. After all, the chairman and his colleagues have decided and that is what matters. Moreover, these chairmen claim when they decide, it is on behalf of the residents and anyway, they know where everyone lives so they argue they would inform all residents accordingly (ibid.).

From the above, it is apparent, notwithstanding their optimism, that these residents remain keenly aware of the limitation of depending on the morality of public officials as a way to accountability. Implicit in the above was the powerfulness of the powerless. As in Allen's (2003) notion of power as immanent, the residents of Viwandani show that power was not only found with or among the powerful, but also with the powerless. Being able to reject 'bad' officials confirmed the unstable qualities of the effects of power where the powerless were not always oppressed. Similarly, the brazen and informal ways in which the chairmen made decisions demonstrates another aspect of the effects of power.

While the residents were generally more optimistic, the public officials were less so. Their seniors at City Hall generally kept the public officers who should

be directing the LASDAP at the local level in Viwandani in the dark about their decisions. Simon Kingori, a ward manager in the area, cautiously lamented:

I think before any project can start it is good that there are meetings, not only for the committees; but also that the residents are made completely aware and participate in the decisions relating to the implementation of projects. The residents should always know and participate; that way we shall have the full support and cooperation of the residents (S. Ngori, personal communication, January 24, 2007).

From Ngori's views, it is clear that whilst as a public official he was desirous to support and include the residents in decision-making, this did not happen in the LASDAP. But there was a capacity argument propounded by several in the City of Nairobi, the central government, and even in international organisations (cited below) such as the United Nations Human Settlements Programme (UN-HABITAT). It was widely believed that residents in settlements such as Viwandani did not have the ability to participate in 'complex' decision-making processes such as the LASDAP. For instance, an UN-HABITAT official I interviewed for this study observed:

Of course there are numerous challenges, as I said local people are not well prepared, they have not participated in this kind of process before. This is really related also to the Constituency Development Fund. We have seen in a number cases, a lot of resources going to the local level but people have not been well prepared for them to be able to absorb or participate in this process, so we see that as one problem. A second one is one of accountability and we do know and we were looking at some of these issues. [...] There are lots of incomplete projects because of poor allocation of resources; because one of the things we have discovered is that each and every councillor wants to have a share and in some places they even have been doing equal share whereas we know there are some wards that have much more demands and others more needs... So breaking down of the cake towards them having small projects everywhere that are not complete

could be one of the other major problems that we have seen (C. Ngege, personal communication, January 05, 2007).

While the need for preparing the residents as expressed by Ngege above was justifiable, the notion of preparation was stretched too far. The capacity to participate as earlier chapters show, can only be meaningful when such participation addresses the unequal power relations that exclude the residents from decision-making. On the contrary, the 'capacity' often referred to by public officials and their counterparts in international organisations and civil society was restricted to the ability to contribute to consultations, knowledge of processes, and ability to comply with established norms.

A former Director of City Planning at the City of Nairobi aptly captures the other significant dilemma for public officials with respect to being responsive in urban planning for poverty reduction.

I have serious problems with the whole notion of planning for poverty reduction, I have a very, very serious problem because I don't know how that is done. In my own simple way I think that overall good planning should have an overall effect of eradicating poverty. Because a good plan depends on its own philosophy. A good plan depends on its own manifesto. A good plan sets out to do certain critical things to reduce incidences of poverty and national growth. [...] The City Council is not designed to understand poverty. City Council is designed to provide services. So poverty is something that does not appear on its day-to-day agenda *per se*. But you want to go into a neighbourhood and probably rate its poverty. No, that is not something that I imagine even at its sharpest, the City Council would be thinking about. It is not in its mandate. It may deal with aspects of poverty in the course of day-to-day discharge of responsibilities but it is not necessarily designed or in a position to deal with poverty reduction. It might work with agencies of governments on certain poverty programmes but those would be programmes coming in. May be under the guise of HIV/AIDS or slum upgrading or dealing with street families and so on

and so forth. Those are the instances in which we would be dealing with aspects of poverty but I do not think that many councils and City Council in particular has huge programmes designed as interventions into poverty. On the other hand, the department of social services has a bit of programmes, which would go a long way in dealing with aspects of poverty reduction (P. Oluwa, personal communication, December 18, 2006).

Despite responsiveness being dependent on the morality of public officials, as shown above, it is affected by power and is mediated by social relations. Moreover, the discussion shows that the responsiveness of public officials in the LASDAP is so tenuous that it cannot be relied upon to ensure accountability.

7.6 Conclusions

Since it was impossible to seek and secure answerability; sanctions and their enforcement was dependent on the morality and discretion of public officials; and power relations severely curtailed the responsiveness of public officials; then it is justifiable to conclude that in Viwandani, accountability was retrenched as the powerful were protected and the relatively powerless were further disempowered.

The constricted participation and dearth of accountability; coupled with a puny provision of basic services portray a situation where the poor were threatened. Questions were rife of how the poor espouse such intractable hope and nurture resilience when the LASDAP that sought to reduce their poverty has instead nominally reduced poverty and disempowered the poor. This paradox is invariably the story of hope and productive power in Viwandani. The above and other questions are addressed in the next chapter.

CHAPTER EIGHT: SUBVERTING THE PROVISION OF SELECT BASIC SERVICES AND OPPRESSIVE POWER

8.1 Introduction

This chapter argues that because power operates in all directions, and is immanent, even in situations of exclusion, oppression, dire provision of selected basic services, and lack of accountability, the poor invariably find ways of making a livelihood. While the poor in Viwandani were commonly presented and perceived as powerless, excluded, hopeless, and at the mercy of the powerful non-poor, when the essence of their life was threatened *facipulation* was not always tenable as the poor exhibited a rare power, hope, resilience, and ingenuity that sustained and adapted their lives under incredibly harsh conditions.

This chapter is organised in five sections, including this introduction. The next section maps the important institutions for the poor. This is followed in the third section by a discussion of how the poor adapted institutions to serve their interests. Next the chapter discusses how the poor residents of Viwandani's Mukuru Kayaba and Lunga Lunga countered power to reduce poverty in the fourth section; and then presents the concluding section thereafter.

8.2 Important Institutions for the Poor

The process of identifying institutions in Mukuru Kayaba and Lunga Lunga involved listing and then ranking these institutions in focus group discussions. For virtually all the participants, importance was judged on the basis of how the institutions helped or undermined the poor in Viwandani. Even when the institutional framework for planning for poverty reduction was clearly oppressive and stifling, the resilience of the poor suggested that there was another institutional framework that was both relevant to and sustained the hope of the poor in Mukuru Kayaba and Lunga Lunga.

8.2.1 Mukuru Kayaba

Sixteen institutions were identified in Mukuru Kayaba. According to the research participants, these institutions performed diverse roles, including helping the poor and other residents of Mukuru Kayaba. The roles performed include: provision of emergency health care, relief (especially during fire), credit, and food and educational support such as bursaries awards. Table 8.1 below summarises the roles and importance of these institutions in Mukuru Kayaba. The relationships between these institutions are strong by virtue of the fact that they are all working towards improving the living conditions and standards of the people of Mukuru.

Table 8.1: Role of Important Institutions of the Poor in Mukuru Kayaba

| Institution | Role/importance |
|--|--|
| Mater Hospital St Catherine Railway Training Institute | Provision of (emergency) health care |
| Neighbours/community Red Cross Elders/Chairmen | Fighting fire outbreaks in the neighbourhood |
| Cosmoco Sacco Jami Bora Merry-go-round saving groups Open-joy women's group | Provision of friendly credit without collateral security |
| The Church Chief Community | Provision of food during times of food crises and hunger |
| Pamoja Trust Nairobi People's Settlement | Advocacy |
| Mukuru Promotion Centre | Provision of affordable basic education |

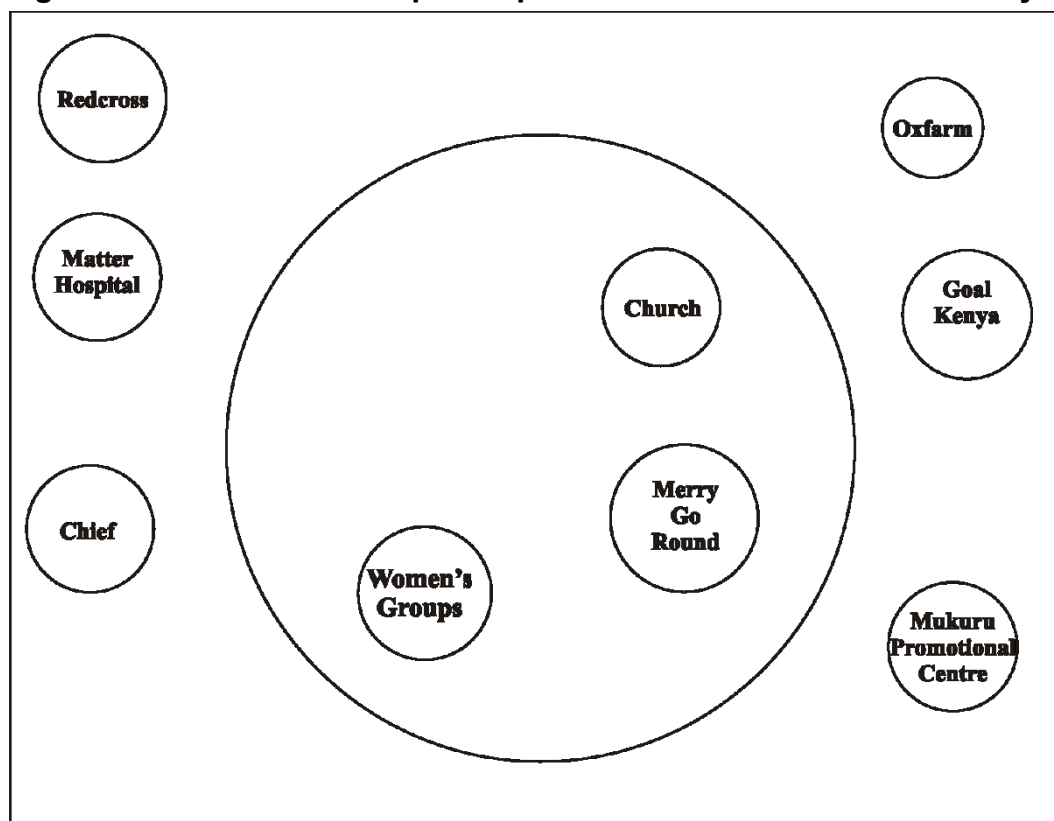
Source: Data from listing by mixed focus group of 6 males and 8 females in Mukuru Kayaba

From Table 8.1 above, the community and institutions for the poor were important in reducing the effects of fires, provision of low interest credit, and provision of food during times of crises and hunger. Institutions for the poor such as Open Joy Women's Group, neighbours, and elders were mainly located in the community. Surprisingly, the government's role through the chiefs in helping the poor was negligible – providing food during times of crisis. Table 8.1 shows institutions such as the Mater hospital, St Catherine,

and the Mukuru Promotional Centre that helps in providing emergency health care, food, and education, including bursaries, has played an important role in the lives of the poor.

Another perspective of the importance of these institutions is evident in the institutional maps generated by participants. In focus groups, the participants showed the importance of the institutions by the sizes of the circles. Figure 8.1 shows a typical institutional map of how the poor perceived the significance of the various institutions.

Figure 8.1: Institutional Map of Important Institutions in Mukuru Kayaba



The big circle in the map represented Mukuru Kayaba. The participants attempted to show the institutions inside Mukuru Kayaba and those outside Mukuru Kayaba. Because the Women's Groups and Merry Go Round have the biggest circles, these are the most important institutions for the poor in Mukuru. Similarly, Oxfam (in the Figure 8.1 shown as Oxfarm) with the smallest circle is the least important to the poor. The Red Cross, Mater hospital, the chief, Goal Kenya, and the Mukuru Promotional Centre were

perceived of equal importance, thus the same size of the circles in the map. From Table 8.1, it is clear that the Women's groups and the Merry go round provide low-interest credit to the poor, therefore, their significance to the poor.

After the community organisations or institutions of the poor (the women's groups and savings groups), the Church and church allied organisations were the second most important institutions for the poor in Mukuru Kayaba. In addition to having the highest number of roles as shown in Table 8.1, the church is the only institution not owned by the poor that was located in Mukuru Kayaba. The other institutions, although they were helpful to the poor, were located outside of Mukuru Kayaba. However, these institutions in Figure 8.1 were classified into two broad categories: those institutions formed by the people of Mukuru Kayaba and working in Mukuru Kayaba, and external institutions working in and with the people of Mukuru Kayaba.

Exploring ways in which the institutions in Table 8.1 and Figure 8.1 above undermined the poor (unhelpfulness), the residents complained that the village elders and the area chief greatly contributed to the poor people being oppressed. In a discussion with the youth it was obvious that the chief and the entire provincial administration machinery often harassed the poor of Mukuru Kayaba:

The chief, the chairmen and administration police have youths commonly arrested for no reason. The chief especially targets the youth; we are imprisoned at any time. Sometimes when they know that we have seen them steal and sell food meant to assist the poor, they claim it is the youth. It is difficult to see the benefit of these people. They only serve the rich. They consider the poor thieves. Our businesses are destroyed and sometimes even the land where we stay can be re-allocated to other people who find or even buy the favour of these people [chief and the rest of the provincial administration] (F. Hola and A. Haba, personal communication, October 26, 2010).

The gratuitous violence unleashed on the poor as Hola and Haba claim (personal communication, October 26, 2010), greatly undermined the capacity of the poor to participate in the LASDAP. Since the poor, especially the poor youth, were criminalised, justifications for their exclusion were normalised to the extent that this was increasingly one of the conventional truths or wisdoms for not including the poor in decision-making and meetings of the LASDAP.

Instructively, the City of Nairobi institutions were never identified as important institutions in the interviews and focus groups I held in Mukuru Kayaba. Nevertheless from the discussions, it was apparent that there were two main types of institutions: internal and external. Of the institutions working in Mukuru Kayaba, Pamoja Trust in collaboration with Nairobi Peoples Settlement was the most important because of the advocacy role against unplanned and uncoordinated forced evictions in the settlement. In addition to the advocacy role, Pamoja Trust helped to mobilise the residents for the purpose of upgrading the settlement, through peoples credit saving organisations and construction of ablution blocks.

The other important institution was the Catholic Church and the Mukuru Promotion Centre. The missionary work of these institutions was considered important for the hope and resilience of the poor. These two institutions provided support for the needs of these people ranging from medication, relief food, promoting education through construction of schools. The least important was the central government. According to the accounts of the people, assistance from the central government was too little to effectively address their needs; this assistance, such as relief food, never reached the very poor. This assistance had to pass through the chief's office where bias; favouritism and even corruption were alleged to derail its use (A. Maraa, F. Fokin and M. Rubo, personal communication, October 25, 2010).

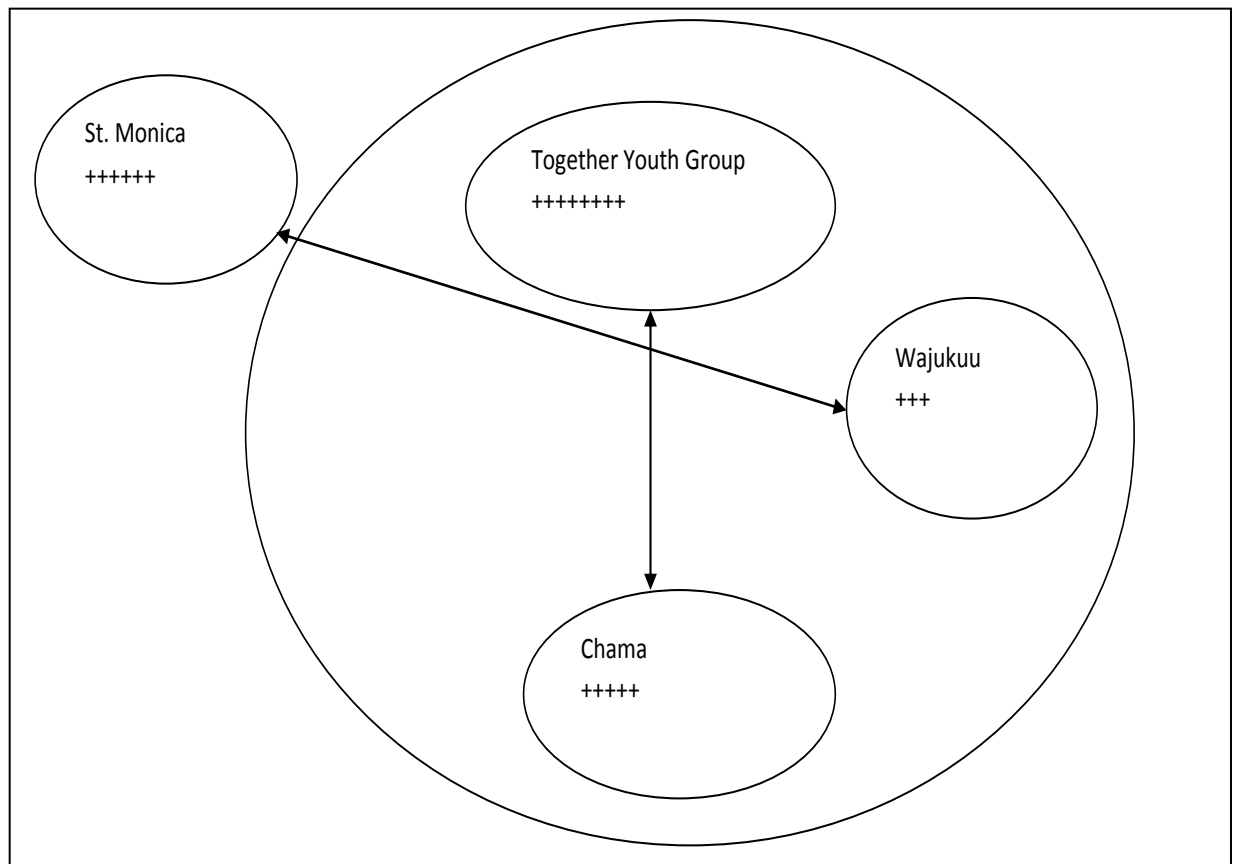
Throughout the focus group discussions and interviews I held in Mukuru Kayaba, it was clear that the most important institutions responding to the needs of the people are those locally formed organisations in the villages. This was because each of the organisations was formed in order to respond

to a given need of people who were sharing the same problem or challenge. Generally, those institutions that were most viable and active in Mukuru Kayaba were those formed by women and the youth while those that comprised of men were minimal and inactive. However, it was institutions in which the residents had a lot of trust and respect that were also highly relevant to residents and their needs. Conversely, the residents of Mukuru Kayaba had limited trust and confidence in the provincial administration and central government which were also ranked the least important institutions for the poor.

8.2.2 Lunga Lunga

Seven institutions were identified in Lunga Lunga as important to the poor. Admittedly, the important institutions tended to be those that the poor trusted and addressed their needs. Invariably, these institutions were also, for the most part, those created by the poor or had the majority of the members as the poor. When asked to identify important organisations, the women easily pointed to the St Monica Catholic Church or mission, the *Wajuu kuu* youth group, Community Based Organisations (CBOs), and their neighbours or community in general. These important institutions were found in the community. From Figure 7.2 it was also clear that the relationships were based on the roles each organisation played and the how these were experienced by the community.

Figure 8.2: Institutional Map of Important Institutions in Lunga Lunga



The big circle in the map represented Lunga Lunga. The participants attempted to show the institutions inside Lunga Lunga and those outside of Lunga Lunga. As in Figure 8.1, the size of the circle showed the importance. But unlike in Figure 8.1, the women in Lunga Lunga added the plus signs to distinguish the degree of importance they attached to each of these institutions that they considered important (by giving them circles that were almost of the same size). Therefore, the institutional map in Figure 8.2 above shows that for these women, the importance of the institutions was evident in the number of plus signs it was assigned. To these women, the plus signs also showed the extent to which an institution helped the poor, thus its importance.

For these women, *Together Youth Group* was the most important institution, but it also enjoyed the most positive relationship. Although an institution outside the community, St Monica Catholic Church was very important. *Wajuu*

kuu youth group helped to rehabilitate the youths affected by drug abuse and handled emergencies in the community. Furthermore, the women's group in Lunga Lunga added the use of arrows to show the relationships between the institutions they identified. From the discussions, as shown in Figure 8.2 *Wajukuu* had a closer relationship with *St. Monica*, while *Together Youth Group* was perceived to have a closer relationship with *Chama*.

As in Mukuru Kayaba, the roles the institutions played provided insights on their importance to the poor in Lunga Lunga. Table 8.2 below summarises the roles and importance of the institutions to the poor I purposively sampled in Lunga Lunga. But unlike Mukuru Kayaba, the discussions in Lunga Lunga provide a more comprehensive view of the roles of important institutions for the poor I purposively sampled for this study.

Table 8.2: Role of Important Institutions of the Poor in Lunga Lunga

| Institution | Role/importance |
|------------------------------|---|
| St Monica | Sickness, disease, hunger, education |
| Neighbours/community | Funerals, provide food during hunger and food crises, protect assets during flooding, provision of security |
| <i>Wajuu kuu</i> Youth group | Fighting fire outbreaks in the community, ensuring peace and security, sanitation, controlling drug abuse and teenage pregnancies |
| Lunga Lunga Youth group | Garbage collection, cleaning the river and community, talent development, sanitation |
| <i>Waki</i> Youth group | Funerals |
| The Red Cross | Provision of disaster and emergency relief/assistance |
| Chief | Provision of relief assistance |

Overall, St.Monica and *Wajuu kuu* Youth group were considered to be the most important institutions for the poor in Lunga Lunga. Therefore, it may be fair to hypothesise that the marginalisation of the poor in Mukuru Kayaba and Lunga Lunga by the government instead turned into a motivating factor for them to work together to withstand poverty. But for these institutions to succeed, social trust, shared interest and personal interest plays a central role in ensuring that both residents and organisations relate and work together very well. Asked about what sustained good relations among the people and

their institutions, the respondents invariably noted that it was trust, cooperation, love, commitment, respect and honesty. Of these, trust was considered the most important. For example the youth in Lunga Lunga noted:

Some of us are very determined to make life better by mobilising ourselves trying to do something. We cannot afford to sit around and lament that we are going to die. We are even trying to improve our own standards of living. Our experience has shown us that if it is not for our mothers in St Monica's group, we would be completely finished. We now know that it is our mothers and ourselves as youth who will take care of our needs. The rest like the chief, the chairmen, and others never tell us anything. They are not interested in our welfare at all. We have few organisations compared to Kibera. Maybe it is our reputation as a deadly settlement, but you will all the same hear that the youth are doing a lot of good things and run successful organisations (S. Banda and P. Erupa, personal communication, December 23, 2006).

From Mukuru Kayaba and Lunga Lunga, it was clear that the institutions that were important to the poor were those that addressed their immediate and strategic needs. But these institutions found in these settlements often were owned by the communities and were also, unsurprisingly, institutions in which the poor had a lot of trust and thus were highly relevant and held in high esteem.

8.3 Adapting to Oppressive Institutions

To show how the poor adapted to oppressive institutions and coped with poverty in Mukuru Kayaba and Lunga Lunga, I begin with an overview of the key issues from discourses on poverty. I focused on discourses on poverty at both the City and sub-city level because "...a focus on place-specific discourses allows connections, nuances and contradictions between national narratives of poverty and grounded material to be explored" (Devine,

2006:964). I then discussed what actions the poor took to moderate the institutional framework so that the LASDAP could broaden its scope in poverty reduction.

In discussing poverty in Viwandani, various perspectives emerged. But in some of these discourses, issues on poverty that should ordinarily have been expressed were absent. For instance, discussions on power relations that should have been self-evident were invariably implied and not explicitly referred to. The categories, themes and representation of poverty were also sometimes similar and intertwined. The helpless, hopeless or hungry people with disabilities, and people living with HIV/AIDS were good exemplars of this similarity. In some cases, there were also noticeable dissimilarities. An analysis of everything said about these categories revealed further nuances of poverty, i.e., the object(s) of the poverty and representations in the discourses of poverty, in the LASDAP.

The interviews I held with various people showed that in the LASDAP, poverty was spoken of in fourteen diverse ways as shown in Table 8.3 below.

Table 8.3: Themes, Categories and Representations in the Discourse of Poverty

| Themes, Categories, Representations | Articulation |
|-------------------------------------|---|
| Inability to generate wealth | People manifesting with low capacities, or poor education, underprivileged, inadequate physical, mental, wisdom, education, no land, no tools to generate wealth. |
| Lack of basic services | No access to: toilets, water, electricity, housing and health care |
| Unemployment | A burden, lazy people, youth, hawkers, |
| Homelessness | Slum dwellers, the poor, |
| Widowed / orphaned | Women, children, youth, People Living With HIV and AIDS (PLWHA), poor, enterprising |
| Marginal incomes | People surviving, poor, hungry, Mama <i>Mboga</i> (women who sell vegetables) |
| Reside in informal settlements | The poor, homeless, slum dwellers, dangerous, filthy, exploited, |
| Helpless | The elderly, formerly employed, PLWHA, widows, women, orphans, |
| Hopeless | The youth, unemployed men, PLWHA, poor, terrorised |
| Hungry | The poor, orphans, youth, |
| Disabled | The poor, abandoned, neglected, wretched |
| People Living with HIV/AIDS | Poor, promiscuous, immoral, a burden, helpless, hopeless, |
| Prostitution | Survivors, youth, widowed, enterprising, smart, fighting poverty |
| Thieves/Gangsters | Fighting poverty, survivors, youth, protectors of the settlement, dangerous, rich, enterprising |

Source: Field Studies (2005 – 2007).

To establish the ideas and ways in which these categories, themes and representations informed the discourses of poverty, I matched each to the other as shown in Table 8.4. From the analysis presented in Table 8.4, it was possible to determine the areas of convergence and the degree to which the themes, categories and representations of poverty identified in Table 8.3 which were supported or contested in the discourses of poverty in the LASDAP process in Viwandani.

Table 8.4: Cross Matching Themes, Categories and Representations in the Poverty Discourse

| Categories, Themes, Representations | Inability to create wealth | Lack of services | Unemployment | Homelessness | Widowed / orphaned | Marginal incomes | Reside in informal | Helpless | Hopeless | Hungry | Disabled | PLWHA | Prostitution | Thieves | Frequency of Convergence |
|--|-----------------------------------|-------------------------|---------------------|---------------------|---------------------------|-------------------------|---------------------------|-----------------|-----------------|---------------|-----------------|--------------|---------------------|----------------|---------------------------------|
| Inability to generate wealth | | | | | | | | | | | | | | | - |
| Lack of basic services | | | | | | | X | | | | | | | | 1 |
| Unemployment | | | | | | X | | | | | | | | X | 2 |
| Homelessness | | X | | | | | X | | | | | | | | 2 |
| Widowed/orphaned | | | | | | | | X | X | X | X | | | | 4 |
| Marginal incomes | | X | X | | | | X | | | | | | | | 3 |
| Reside in informal settlements | | X | X | | | X | | | | | | | | | 3 |
| Helpless | | | | X | | | X | | X | X | | | | | 4 |
| Hopeless | | | | X | | | X | X | | X | | | | | 4 |
| Hungry | | | | X | | | X | X | X | | | | | | 4 |
| Disabled | | | | X | | | X | X | X | X | | | | | 5 |
| PLWHA | | | | X | | | X | X | X | X | | | | | 5 |
| Prostitution | | | | X | | | X | X | X | | | X | | | 5 |
| Thieves / Gangsters | | | | X | | | X | X | X | X | | | | | 5 |

The ideas that were least matched also had the least convergence; therefore they were also the most contested. Conversely, those ideas with higher convergence were less contested. From the analysis in Table 8.4, the idea of poverty as “inability to generate wealth” was most contested. The themes of helplessness, hopelessness, hunger, and disability, People Living with HIV/AIDS (PLWHA), prostitution and theft/gangsterism were the most widespread in the discourses of poverty. However, the technocrats of the City mainly espoused the idea of poverty as inability to create wealth. This was at variance with how the poor in Mukuru Kayaba and Lunga Lunga articulated poverty. Whilst the ideas espoused by community members were clearly widespread, these were marginalised and seldom reflected in the official LASDAP discourses of poverty that the institutional framework supported. These phenomena were typical expression of governmentality and immanence (Foucault, 1991; 2001; Deleuze and Guattari, 1998; Cahill, 2008).

The negative discourse was also evident in the identification of the poor as PLWHAs, prostitutes, and thieves/gangsters. Although hushed, the PLWHAs for the most part were understood as promiscuous, immoral, a burden and without hope. The prostitutes were also seen as ‘survivors’. In Mukuru Kayaba and Lunga Lunga however, the prostitutes and thieves were generally applauded as innovative and creative for they sought alternatives to responding to the acute poverty. For instance, like many of his contemporaries, a young man in a conversation argued:

If we steal, it is because we are helping ourselves out of desperate situations. It is for taking care of the basic needs of life. You know like buying food, a bed, and others. And yet when you steal you may also be favoured with a mobile phone and that fetches a lot of money that is helpful in meeting the basic needs of life including paying rent for accommodation (H. Abdallah, personal communication, December 28, 2006).

From the above, the effect of the discourse of the poor and poverty was evidently beyond the domain of urban planning. Abdallah’s response above was incisive on the constructions of morality and poverty. While some of the poor acknowledged that they were often desperate and pushed to steal, they categorically rejected a moralising discourse that nonetheless, the webs of discourses and relationships also

extended to public safety and security in Viwandani and morality in general where some of the poor in Viwandani were produced as immoral, security risks, moral, and safe, amongst others.

By relegating the same ideas of poverty, the institutional framework through condign power (Galbriath, 1983) supported the LASDAP and seemed to only recognise and focus on a generally limited scope of poverty/reduction in Mukuru Kayaba and Lunga Lunga. But from the discussions I held with various groups of the poor, it was clear that poverty was much broader than lack of services and that the poor I purposively sampled could lucidly articulate the nuances as shown in Table 7.3. Furthermore, even though the poor may not have been fully aware of the LASDAP they were constrained from participating in the LASDAP, and the powerful were seldom held accountable. Not all the poor I purposively sampled through immanence (Foucault, 1991; 2002; Cahill, 2008) resigned themselves to an oppressive state of affairs.

The first and most common response by the poor as shown in section 8.2 above, was forming institutions and organisations that were responsive to their needs. Speaking to one of the women on this subject, she noted:

It is tough, but we have to do something because of our desperate conditions. When we see one of us who are so hard pressed that there is no help, we have to seek ways for support. We form organisations from which we can provide some help, especially financial help. With such assistance, they can buy maize meal for the children and the rest of the family, or even for other needs like bus fare for school children. If we do not do something, there will be a problem. Our men are mainly desperate and have given up. They drown their sorrows in alcohol. Most of the men just drink as a way to forget the problems and also to cope with the challenges at home (P. Syawa, personal communication, December 28, 2006).

While the LASDAP did not provide support for the very poor such as food and financial grants, from the responses of groups, particularly women groups, it was clear what responsive interventions could be. The women, like Peninah Syawa above alluded to, were abandoned by men. However, even in the women groups

there were differences in power that tended to further disadvantage the younger women who were not always accepted in youth groups that had male members. Because of unemployment most women groups operated merry-go-round credit schemes that also functioned as welfare groups where they made contributions to one of the members at specified intervals. From the contributions, members received loans to pay for basic needs or even to start up small businesses such as selling vegetables.

Other women groups were self-help groups that were meant to help their members in times of need. Some of the women's groups included Jamaica sisters, Kenya Women, *Tumainini* Women Group, *Kamba* Dancers Group, *Amaki* Group, and *Inuka* Women Group *Jamii* Bora Women Group, amongst others. The women groups played a very important role in sustaining the social and economic well-being of the members. Many women in Mukuru Kayaba and Lunga Lunga claimed that they had been able to purchase household assets and food using monies raised through group contributions. But other groups such as St Monica Wajane invested in business and development projects.

The second way that the poor responded was by building on their social capital to work together. The youth, women, and men played specific roles in addressing poverty. Thus, even with high social capital and willingness to work together, there were always some differences in what each group sought to do to reduce poverty or to cope with it. As mentioned above, the formation of groups provided an important avenue for working together. For the youth, they formed groups such as the Jamaica Youth Group, Lunga Lunga Youth Group, *Kayambe* Youth Group, *Bombasi* Youth Group, *Komoko* Youth Group and *Vijana* Youth Group. For example, the Lunga Lunga Youth Group was critical in fighting against all the kinds of discrimination. These groups also engaged in development projects and in income generating activities in the settlement such as garbage collection and transportation using hand push carts popularly known as *mkokoteni*. These groups had leaders who represented their members and highlighted cases of discrimination. The youth also said that they mostly faced harassment from police officers and City officials. This harassment was typical of power as a zero-sum game. Harassment, like other forms

of violence, was the typical method of coercion to force one's decision/will over others. Because the police and City officials were powerful in the condign sense (Galbriath, 1983), they invariably exercised their power through a variety of violent means. But the youth, because power operates in all directions (Allen, 2003; Cahill, 2008) also managed to cope with such violence from the police and City officials.

Since the youth were increasingly mobilising each other and controlling productive resources such as spaces for markets, roads, and transport terminuses, they were also emerging as a powerful force (Allen, 2003) especially in Mukuru Kayaba. Unfortunately, the provincial administration and others in the formal institutional framework for implementing the LASDAP conveniently considered the youth groups as criminal gangs. This had a negative impact on the development initiatives of the youth; they were reluctant to openly conduct their businesses, as they feared to be harassed by security agents and the chief. According to the youth, the office of the chief and the elders in Mukuru Kayaba and Lunga Lunga were the reason why youths were not advancing (J. Mutta, personal communication, December 28, 2006).

The struggle, typified by the relations between the youth and actors in the formal institutional framework, deteriorated to such extremes that even proposals from the youth were allegedly always blocked. The youth further claimed that the elders together with the chief actively worked against their progress. The communal collective responsibility was not as solid and coherent in the whole of Mukuru Kayaba and Lunga Lunga. Therefore, this gave a leeway for these powerful institutions and criminal gangs such as the *Mungiki* to operate freely and even devise new ways of survival and operation (Anonymous, personal communication, December 30, 2006).

Therefore, the youth convincingly argued that they were inevitably forced to engage in criminal activities like mugging people, which they termed as *kusamehea*, so as to get some income. The youth also engaged in crime as an income generating activity. This, they claimed was because of joblessness among the youth and corruption in the local chief's office where the little funding and initiatives available for the youth were given to the older non-deserving men, hence not benefiting them. But

sustaining livelihoods through crime was not restricted to the youth alone; it included men and women (ibid.). The main point, however, was that power (Foucault, 1991; 2001; Galbriath, 1983; Allen 2003; Cahill, 2008) greatly shaped how everyone related to the other. Much of the power and influence was directly correlated to access, ownership, use and control of wealth and productive assets (Allen, 2003). Hence, the LASDAP did not significantly change the power relations in Mukuru Kayaba and Lunga Lunga.

From the above, the poor were resourceful, innovative, and because power operates in all directions, power was reproduced in social capital to adapt to the oppressive institutions. By using power through social capital, the poor were also able to shape their actions and behaviour in response to constraining factors to ensure social justice, equality of opportunity and sustainability and to promote the identity and dignity of the poor people, and marginalised population groups of Mukuru Kayaba and Lunga Lunga. But for these responses to be effective, in addition to social capital, the poor also required shared interests, social trust, respect, honesty, accountability, and discipline – an institutional framework, here understood as informal institutions.

8.4 Fighting Poverty and Enacting Local Power in Viwandani

The most commonly accepted view of power in Mukuru Kayaba and Lunga Lunga was that power was inherent in powerful subjects such as the District Officer, the City officials, professionals and local gangs. For instance, the Provincial Administration whose main role is enforcement of law and order often responded to poverty in Viwandani by removing the 'immoral', thieves and hooligans. Explaining how the Provincial Administration participated in poverty reduction in Viwandani, the District Officer related:

Although the Ministry of Local Government is also saying each and every division or district has its own problems as I have said earlier, so if you have your own problems let us identify them. We have a lot of people who are unemployed; we have a lot of hawkers. So do we just disregard them and just

tell them to keep off our streets? Let us go there and see in Makadara now we have so many hawkers here, let us identify those areas whereby the government can, but if it doesn't have enough lands or the government can be able to acquire or maybe to lease or even if the government land is set aside for these entrepreneurs or for these poor people, so that they can be able to come up with small business.

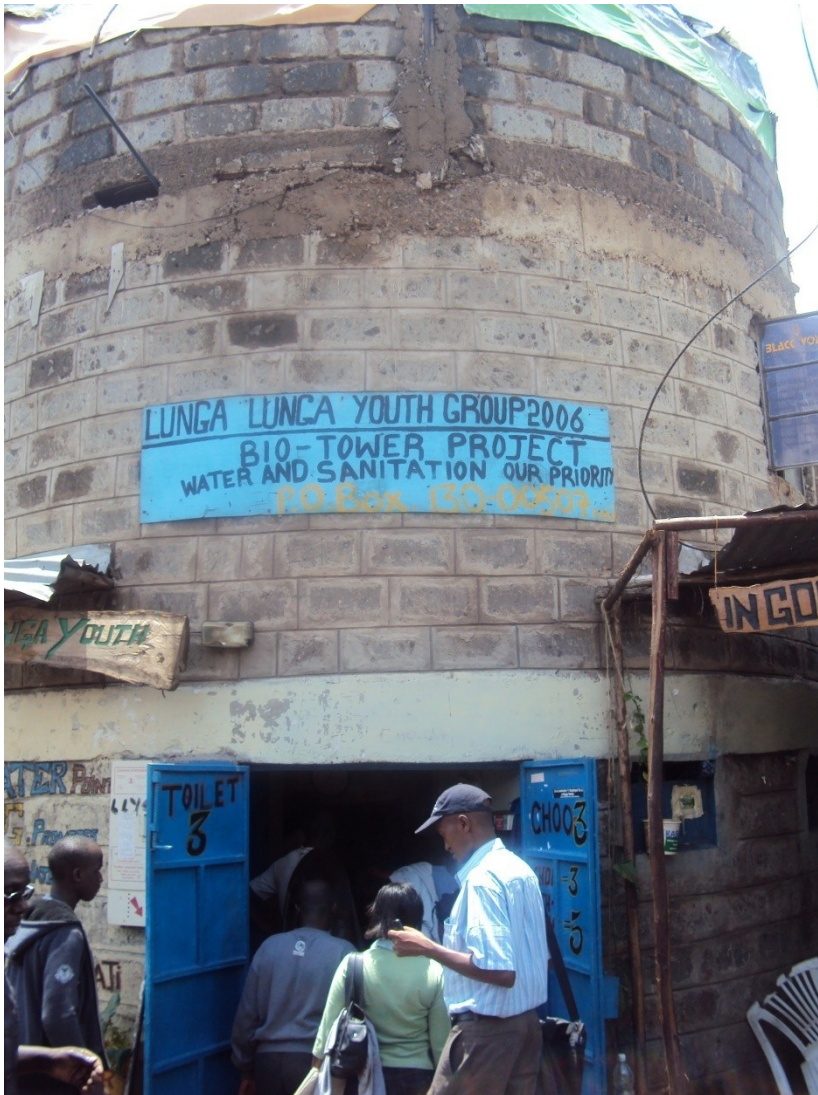
That is basically what the government is doing now. So in each and every division countrywide, all divisions starting from location level to the manifesto provincial level, we have market, which is the problem that we are facing. We have so many hawkers, we have so many *Jua kali* [scorching sun, referring to informal market] people, we have so many poor people and we assist them. That is how now we are coming up to eradicate this type of poverty, but previously we just said we have so many hawkers, they are disturbing us in our streets, let us chase them away, but where do you chase them away to? (T. Norot, personal communication, January 11, 2007)

Normative notions of morality and acceptable behaviour/conduct such as freeing the streets of the hawker menace and providing employment generally informed such responses to poverty by the Provincial Administration. Yet to the residents, these interventions by the Provincial Administration were not only excessive harassment but also further condemned the poor in Viwandani into even deeper poverty as one of the residents observed:

The Chief constantly detains our children. Some are hunted down on grounds that they are hard-core criminals whilst others are said to engage in dangerous occupations like prostitution. Sometimes there are also threats from the Chief and chairmen about the legality of our housing yet they don't necessarily provide anything to improve our lives. When the river floods, there is not much help from them. We feel that as residents of these places we are treated like garbage and the sewage that flows in the River Kongo (M. Ngari, personal communication, December 23, 2006).

From the above, in Viwandani, power was clearly vested in the powerful. As Ngari (ibid.) revealed, criminalisation was the strategy deployed to maintain domination. This strategy was evidently so successful that there was a notion of the poor feeling like they were treated as lesser human beings and disposable like sewage (M. Ngari, personal communication, December 23, 2006; N. Tugi and J. Weru, personal communication, December 23, 2006). However, the existence of locally owned organisations, other ways of provisioning critical services, and thriving enterprise strongly suggested that the duality of the powerful and powerless was a partial account of enactment of power in Viwandani. For instance, the youth, through the Lunga Lunga Youth Group with support from NGOs such as Umande Trust, successfully mobilised resources and established a community facility that provided hot showers, flush toilets, and a business centre. The facility is shown in Figure 8.3 below.

Figure 8.3: The Lunga Lunga Youth Bio-Tower Project



Source: Author's photograph

The Lunga Lunga Youth Group also suggested that while the LASDAP may not have addressed poverty, there were similarly other ways of alleviating poverty in Viwandani. By recognising the power of the poor, it was also obvious that in Viwandani power was distributed through an intricate web of relations, practices and institutions that made some more powerful than others at different times. As Foucault (1991) would argue, the effects of power are dynamic and require constant reproduction. To explore the continuous reproduction of unstable power relations among the powerful and powerless, I examined how the institutions of the poor were formed, key services were provided and economic empowerment was pursued.

8.4.1 Formation of Institutions of the Poor

In section 8.2, I showed the important institutions of the poor. Here, using two cases, I highlighted the different ways in which local power was enacted to redistribute power in Viwandani. I sought the biographical account of the Founder of the St. Monica Wajane Lunga Lunga Women's Group (SMW) and sentiments of the leaders of the Lunga Lunga Youth Self-Help Group. Specific perspectives of their oppression and everyday life that was often excluded from the official discourses of the LASDAP were prised open.

St Monica Women's Group – aka St. Monica Wajane²¹

Started in 1989, the St Monica Wajane Women's Group comprised of about twenty widows. Some had since died. The local Catholic Church with the aim of addressing their indigence brought these widows together. According to the chairperson, this group was started because of:

The desperate conditions we find ourselves in, we are often left with helpless children (orphans) who require to go to school, hungry grandchildren, lack of toilets and without access to credit. We got together and started a savings group; have invested in a public pay-toilet. We meet twice a week on Tuesdays and Wednesdays to collect savings from members for the group to invest (M. Gathii, personal communication, December 22, 2006 and January 5, 2007).

By coming together to establish SMW, the widows were able to identify their strengths. Through SMW, the previously desperate and helpless widows successfully challenged the notion that relief and provision for such powerless people had to come from external sources. Since the City of Nairobi was unable to help, the SMW mobilised widows to practically provide for their needs. Having first been organised with the help of the local Catholic Church, the SMW's credibility was further enhanced and was able to attract further donor support from a humanitarian

²¹ Wajane is Kiswahili for widows.

organisation known as *African Focus*. Gathoni narrated the historical development of the SMW and said:

From our weekly meetings, we managed to get support from our donor partners, African Focus. They [African Focus] have never abandoned us. We have been able to develop a savings fund that has provided loans to members. We meet twice every week to collect savings from members and to consider our concerns. African Focus also provided us a generous grant that enabled us (St Monica Women's Group) to build a public pay-toilet. This toilet was also a source of regular income for the past five years. We have, however, now closed down the toilet for maintenance (ibid.).

Although essentially created by widows, the SMW allowed the beneficiaries of their members to continue membership in the group and to perform roles as members in the event of death of such a member. I found that in the case of two deceased members, their children continued making payments and contributing to the savings fund whenever that was possible. I was also told that the SMW continued to provide support to these children in the same manner as the deceased members had received.

Whilst the data from the interview with Mary Gathii did not yield a specific conceptualisation of poverty reduction, from the description of the group's activities and the inspection of the toilets and water points during the field studies it was possible to infer a much more generalised notion of poverty reduction. It was also evident in the work of the SWM that poverty reduction was seen to include: provision of basic services such as toilets and water; supplementing family incomes through the loans to members for petty trading; provision of rental housing to residents; provision of employment to the youth who built the toilets and other facilities for the group and providing credit to women, particularly widows.

Yet even with SMW's provision of toilets, it was evident that these toilets were only accessible by way of payment of a user fee. Therefore, it was only those residents with a surplus income who could use these toilets. It was unsurprising, therefore, that in the Mukuru Kayaba and Lunga Lunga villages, the precincts of the public pay-

toilets were frequently strewn with faeces. With a user-fee of five shillings per visit to the toilet, only a few were justifiably able to use these services.

The continued failure to use toilets could have meant that power was not enacted at the local level. However, this also showed that through SMW, immanence and condign power was re-distributed in Viwandani at different times in specific locations as widows and others who previously could not own assets such as the user-fee toilets, were able to own and use such facilities. Moreover, consistent with post-structuralist notions of power as immanent (Foucault, 1991), the reproduction of the effects of power was enacted by both the powerful (for example the Catholic Church and donors) and the powerless (the widows) as they acted out their respective socially defined roles.

As indicated above, the efforts by the SMW to reduce poverty were not without challenges. In addition to the limited access for services they provided to the residents, as a group the SMW had been providing some kind of subsidy to members in the form of cash. However, from 2006 this support was terminated. Gathii sadly noted:

We are unable to give any support this year to our members. Everyone has to support his or herself because what we had is finished. We would have had some income from our toilets but these are being repaired and maintained. So until our business revives – the toilets are operational and there is additional income from the sale of water we cannot help (M. Gathii, personal communication, December 22, 2006 and January 5, 2007).

As if the above was not enough, the St Monica Women's group were also grappling with a huge water bill from the City of Nairobi. SMW's unpaid water bill was illustrative of the wider problem in Viwandani. For instance, the water to Lunga Lunga had been terminated. There was more that could be discussed as challenges that faced the poverty reduction efforts of the SMW, but I will return to this subject as I show the enactment of power at the local level through the Lunga Lunga Youth Group.

The Lunga Lunga Youth Group

The Lunga Lunga Youth Group (LLYG) was formed in 2004 and comprised of sixty members – 40 men and 20 women. Their chairman said that their motivation to coalesce and address poverty was:

What we know City Council consider slums as a dumping site. It doesn't consider that people live here. So, they consider this as a dumping site where all the sewage block we never see anyone. Unless miraculously maybe 'niifungue' [unless I should open]. We don't have those types of services. That's why we are trying to bring up these projects whereby we can be manning our own environment. Whereby we can be manning our own garbage around with the community, disregarding City Council (N. Tugi, personal communication, December 23, 2006).

The other members of the group agreed with their chairman noting that

Just imagine it is about five years since we elected our Councillor and MP and the only thing we can be proud of is the patching up of the road²² with murrum. Yet this road has been only recently fixed. The Constituency Development Fund (CDF) that is disbursed to each constituency has not even provided a thing in this village. There is nothing that the MP and Councillor have done (S. Tandi, P. Inge, and C. Amo, personal communication, December 23, 2006).

Like the SWM, the LLYG, on working together unveiled condign and conditioned power (Galbriath, 1983) that they did not have as individual youth in Viwandani. The powerful City of Nairobi, politicians, and central government, even though they continued to ignore and marginalise the youth, could no longer hold back their potential. Working together and through condign and conditioned power, they were able to build a rare confidence. The LLYG were able to overcome self-condemnation sustained by a relentless normalisation of constructions of powerlessness that

²² I inspected this road during the field studies and it was approximately 70 metres long and about two metres wide.

dominant discourses transmitted (Foucault, 1991). On assessing the quality and impact of the poverty reduction interventions in Viwandani, the youth were less circumspect than the women and men I interviewed. They claimed that:

The Catholic Church assists the poor and we say so because we have seen what we are talking about. For instance, our parents are utterly helpless. The sick ones in our community have been built for houses by the Church and not by the government. They (the Catholic Church) have done a lot in providing housing. The government has not helped anyone. I have been told severally by Mama Beth to compile a list of the poor and submit to the Chief but nothing has been done about that list. The Chief retorts often 'you don't want to return to your homes in the upcountry because you stay and enjoy in Nairobi' (J. Weru, personal communication, December 23, 2006).

Obviously, even when some in Viwandani such as the LLYG were able to fight poverty, the others as Weru's (ibid.) account shows, were still helpless. That difference did not mean that resistance to power and reproduction of power within and across different social groups was not happening, but rather confirmed that enactment of power at the local level happens at different times and with varying impacts on the overall relations of power in Viwandani.

Furthermore, these youth in the Lunga Lunga Youth Group considered several ideas to address poverty, but it was the bio-tower project and provision of security and cleaning of the settlement of garbage that was particularly successful in showing a reversal in relations of power. With the subsequent empowerment, the youth group who were previously powerless, without any income, and even not recognised, were so confident that they 'acquired' a parcel of land of approximately 84 square metres to establish a business centre. From such a hapless group of youth in one of Viwandani's poorest communities, there now were a group that owned various businesses and a business centre that was also used as a social hall for meetings of the community.

Provisioning Services and Economic Empowerment

The City and central government notionally provided services in Mukuru Kayaba and Lunga Lunga. However, the citizens, mainly through their own institutions sought to fill this vacuum. These institutions invariably owned business enterprises that availed critical services such as security, sanitation, water, lighting, housing, and solid waste management. Therefore, in fighting poverty and oppressive power, the institutions of the poor, economic empowerment and provision of services were evidently closely intertwined. To analyse how power was enacted at the local level to fight poverty, it was important to consider the access to, use and control of community assets. Seven economic and other productive activities were identified as critical in this respect. These included: water vending, small scale businesses, toilet and bath facilities, housing, lighting/electricity, solid waste management, and coordination of development interventions.

Water Vending

At the beginning of 2002, the Nairobi Water Company (NWC), NGOs such as Umande Trust, and some business people were the ones who sold water to the residents of Mukuru Kayaba and Lunga Lunga. This structure of provision of water clearly showed the residents as less powerful in a traditional patron-client relationship. At the time of my field studies, there was a marked change in the structure for provisioning water. The Lunga Lunga youth group, the *Nyakweringeria* group in Mukuru Kayaba, the Presbyterian and Catholic churches now sold potable water. By organising themselves to be able to sell water in Lunga Lunga, the youth not only participated in a monopolistic market, but also acquired a confidence, acceptance in the society and were recognised as important members of their community. The chairman of the group said:

These days even the District Officer (DO) can meet with us [youth]. Because we have our hall, the DO comes here. There is no more need for the youth to sit in the scorching sun while the DO sits in a special tent! The other day, the Mayor, Mr. Dick Wathika, was also here to see us. We tried talking to him about the need to attend to the poor in Lunga Lunga. But it was all promises,

empty promises! Well, the councillor and headmen also regularly come to meet with us (N. Tugi, personal communication, December 23, 2006).

The visits by obviously powerful persons to previously helpless poor youth of Lunga Lunga showed the extent to which the resistance by the poor had shifted the relations of power. Through their efforts at mobilising their resources, re-discovering their confidence and ultimately their power, the youth were not only recognised, but were also reluctantly included in discussions on their communities.

By providing water pipes and water meters, the Nairobi Water Company also contributed towards water provision in Mukuru Kayaba and Lunga Lunga. But what was significant was that in fighting poverty and the oppressive power, resistance was not always privileged. As groups such as the Lunga Lunga youth and *Nyakweringeria* group in Mukuru Kayaba continued to make decisions on their businesses, there was a clear and growing sense of confidence and shift in their relations with the City, the NWC, NGOs, and the central government. For the groups involved in water vending in Mukuru Kayaba and Lunga Lunga, there was growing recognition and also ability to question some of the injustices in these settlements. For instance, Mary Gathoni noted:

We [St Monica Wajane] are now known and recognised far and wide. For example, our Priest talks about the work of our group and others in the slums of Lunga Lunga and Mukuru Kayaba. We can now even go out to talk to donors and other people who may be interested in the work of our groups. Of course we still have challenges. Our members are old and widowed and several times this discourages us and affects our confidence. But we are working. Men have always exploited us. They would, in the past, have wished to join our group and act as chairman or treasurer. But we have encouraged them to leave us alone; they can form their own groups. I have told them if they are stuck and need help, to call me I can always assist them [the men] to form and strengthen their own groups. They have failed to form their own groups. We do not wish to be in the same groups with them. Sometimes they are simply drunk, lazy and unhelpful. It is not good to be in the same group

with such people who will pull us down (M. Gathii, personal communication, December 22, 2006).

While the poor in some instances worked within the existing structures of power, there was also resistance from the powerful. Many in the City and central government felt that the poor were not capable of performing roles such as water vending or even managing such complex businesses. As some City officials stated: “They [the poor] do not have the capacity to implement these projects, they lack the skills and expertise” (R. Amina, personal communications, November 7, 2005). Even if this were true, it detracted from the changing power relations and from the notion that the poor in Mukuru Kayaba and Lunga Lunga were not entirely helpless and hopeless.

Small-Scale Businesses

The diversity of small businesses owned by the residents in Mukuru Kayaba and Lunga Lunga was an indisputable confirmation of belief in their own power. These businesses included shops, spaces for selling airtime, vegetables sold in the front of their homes, clinics, child-care centres, bars, restaurants, carpentry workshops, laundry, second hand clothes and used electronics among many others. Surprisingly, the City licensed several of these businesses. In some cases traders paid as much as twenty-five shillings each day. However, there were times when the residents refused to pay these fees. One of the residents said

If I have not sold I will not pay. But even when I have sold and would like to pay, the City officials always harass us asking for bribes of between five hundred and two thousand shillings. That is a lot of money. I cannot afford it. My colleagues can also not afford it. You have to find a solution. If you are taken to court, the fines are much higher. You may be imprisoned and end up losing a lot of time and business. So we have to struggle. Sometimes we are able to sell and in other cases we are not (M. Anyima, personal communication, October 25, 2010).

The City's presence was noticeable in Mukuru Kayaba and Lunga Lunga for harassment in the collection of levies and licensing fees. The aggression of the City officials notwithstanding, business remained vibrant. Any available space was useful for one trade or another. For instance, it occupied the railway lines and adjoining space. This space was personalised by constructing sheds to shelter their businesses and in some cases these spaces were used as homes. Because of inadequate space and an ever-increasing number of traders, many traders could only display their commodities on the railway line. The photo in Figure 8.4 shows a typical small businesses scene.

Figure 8.4: Small businesses in Lunga Lunga



Source: Author's photograph (2006).

Business was clearly not without further challenges. It was very difficult to secure spaces within the settlement to locate individual businesses, thus the poor were invariably vulnerable to abuse and exploitation by chairmen and chiefs who controlled land in these settlements. In these cases, the poor were subject to the

rent-seeking actions of the administration and City officials. The other challenges faced by the business community of Mukuru Kayaba and Lunga Lunga included: lack of capital to expand their businesses, lack of access to loans, high insecurity (including robbery) and frequent fire outbreaks that destroyed assets of the poor and their businesses.

Garbage collection

Solid waste was mainly disposed in open areas, especially along the narrow roads and in common garbage heaps. In some cases the residents paid forty shillings each week for their household garbage to be collected. But this garbage from the households was mainly strewn in the open sewage in the area. The most common solid waste produced in these households was polythene bags and household waste. Because of the indiscriminate mode of waste disposal in the sewage, the derelict conditions, and absence of repairs, these sewage lines were constantly blocked. However, through garbage collection where community paid for the service, and recycling, the youth were able to obtain some employment and additional income.

Furthermore, the 'dumping' sites were also useful resources for the youth. Most collected plastic bottles, scrap metals and other valuable things that they sold to get more income. Some of the groups that engaged in garbage collection included: the Lunga Lunga youth group, global youth for action and South B transport self-help association.

Supply of electricity

The access to and use of electricity in Mukuru Kayaba and Lunga Lunga was another way in which the poor challenged power relations by working within the existing power structures. Although Mukuru Kayaba and Lunga Lunga were the poorest in Viwandani ward, the majority of the households had access to and indeed used electricity for lighting, ironing and for television. Figure 7.5 shows a section of Mukuru Kayaba and the proliferation of television aerials and televisions that residents had connected to electricity procuring from both legal and illegal sources.

Figure 8.5: Access to and Use of Electricity in Mukuru Kayaba



Source: Author's photograph (2007).

The residents confirmed that there was a “cartel” that controlled the supply of electricity in Mukuru Kayaba and Lunga Lunga. They further claimed that this cartel consist of individuals who were duly authorised by the Kenya Power and Lighting Company (KPLC) to connect to electricity lines. But it was through the legal connections that an avenue for tapping for additional and unauthorised connections was possible. Furthermore, it was also claimed that the “cartel” enjoyed “protection” from senior staff in KPLC who also benefited from this business (Anonymous, personal communication, January 15 2007).

By working with *bona fide* clients/customers of the KPLC, spaces were created for the poor to enact power in different ways. It was no longer the KPLC and her customers that were powerful and could enjoy lighting, but the poor were also able to enjoy lighting from different sources. This electricity was supplied at three hundred and fifty shillings for each room per month paid to the “cartel”. Admittedly, from the widely known perpetual complaints of the

KPLC, this company suffered heavy losses, but in a rather strange way, the poor were also able to buy televisions and view television like their counterparts. Moreover, because of the easy access to electricity, the poor in Mukuru Kayaba were able to closely follow the English Premier League soccer and kept up to date with the current movies in the local theatres, which operated on a 24-hour basis in these settlements. The youth confidently discussed international politics and soccer in detail so that they felt they were not excluded from the globalisation phenomenon that was gripping Nairobi.

Unsurprisingly, challenging the formal structures of power through the supply of electricity greatly endangered the poor in Mukuru Kayaba and Lunga Lunga. Figures 8.4 and 8.5 show the people encroaching in restricted and dangerous areas such as the electricity way leaves and railway lines. It was therefore difficult for KPLC and the railway Company to carry out any maintenance. The poor, particularly their children, were also exposed to numerous health risks. The women and youth further claimed that whenever there was an outbreak of fire in these settlements, it was attributed to the dangerous ways in which electricity was provided to Mukuru Kayaba and Lunga Lunga.

Because of the heavy losses incurred by the KPLC, there were attempts to control illegal connections and also to indirectly restore the power relations between the powerful, powerless and poor to the *status quo* where the poor did not have access to electricity. The residents claimed that in some cases extreme measures such as removal of transformers or even the hiring thugs to burn down the homes of the poor were employed. Staff of the KPLC were often threatened (Anonymous, personal communication, 29 December, 2006). Indeed, in one case, following such fire in Mukuru Kayaba, the Member of Parliament, the Hon. Reuben Ndolo, publicly on television incited the residents, urging them to burn such staff using used tires. Conflicts and even violence between the KPLC and the people of Mukuru Kayaba and Lunga Lunga is a regular occurrence.

8.5 Conclusion

This chapter has shown the ways in which the poor in Mukuru Kayaba and Lunga Lunga overcame *facipulation*, resisted oppressive power and ensured they had more than a puny provision of select basic services. The important institutions for the poor addressed their immediate and strategic needs; and also tended to be located within these settlements, and were often owned by the communities. These institutions were also the ones in which the poor had a lot of trust, thus, were highly relevant to the poor and they held these institutions in high esteem. To successfully resist oppressive power and fight poverty, the poor were clearly resourceful, innovative, and deployed social capital. This was also useful in adapting to the oppressive institutions. By using a complex combination of immanence, condign and conditioned power in social capital the poor were able to shape their own actions and behaviour to respond to numerous constraining factors. The poor also required *facipulation*, shared interests, social trust, respect, honesty, accountability, and discipline for their responses to be effective.

The poor in my study are not always powerless, hopeless, and hapless. In a way, this goes beyond the typical blame that is often attributed to the Africans (Mbembe, 2000). In the final chapter of this thesis I will draw together contributions from the history of the development of institutions for urban planning in Kenya and the case study of implementing the LASDAP in Nairobi's Viwandani ward, to enable a more appropriate way of understanding and furthering the question of urban planning for poverty reduction and the impact of policy and institutional contexts on urban planning to reduce poverty.

CHAPTER NINE: CHALLENGES OF URBAN PLANNING FOR POVERTY REDUCTION: INSIGHTS AND IMPLICATIONS

9.1 Introduction

The previous chapters presented a wide-ranging account of the challenges of urban planning for poverty reduction in urban Kenya and more so in the Viwandani ward in the City of Nairobi. This chapter presents insights from the main study findings and their implications for urban planning for poverty reduction by public institutions. The research question that this study sought to address was: *What are the challenges of planning for poverty reduction by public institutions in urban Kenya?* To address this research question, the experience of a planning approach widely believed to be progressive, the LASDAP, in Nairobi's poorest ward, Viwandani, was used. To analyse the relationship between the institutional and policy frameworks and urban planning for poverty reduction, this research was guided by seven specific questions; namely:

- a) What was the institutional framework for urban planning in Kenya in 2005-2007?
- b) How did the institutional framework link/affect poverty reduction processes?
- c) How did the institutional framework affect citizen participation in urban planning?
- d) What mechanisms existed in the institutional framework for citizens to express their priorities and preferences in urban planning?
- e) What were the various state attempts made to deal with poverty reduction in urban areas?
- f) To what extent did (planning) interventions respond to urban poverty?
- g) What was the power dynamics within the institutional and policy framework of urban planning for poverty reduction?

The extensive review of literature for this study showed that very little was known about the challenges faced by public institutions in planning for poverty reduction, particularly in urban Kenya. Hence, the topic, public institutions and urban planning for poverty reduction, needed to be explored in significant depth. For such exploratory research, Lincoln and Guba (1985) advise that the social phenomena are investigated with minimal *a priori* expectations if explanations for such phenomena are to be availed. In this study, the research question dictated a qualitative research methodology, which was also deemed appropriate for answering the research questions above.

Ideas of “power”, “poverty”, and “institutions”, were explored to build an overarching conceptual framework for the study. The literature, which spanned from politics, institutionalism, power, planning, urban, and development studies suggested five key concepts to analyse urban planning for poverty reduction by public institutions. These concepts included: *appropriateness of power, institutional frameworks, participation, accountability, and responsiveness*.

The historical background to the development of key public institutions in Kenya is presented in Chapter Three. The main finding in Chapter Three is that the growth and development of political institutions in Kenya was inimical to urban planning for poverty reduction. In analysing the institutional framework for urban planning in Nairobi, this study finds, as presented in Chapter Four, that the institutional framework does not support citizen participation and accountability in urban planning. In Chapters Three and Four the context for urban planning at a national level and in the City of Nairobi is unravelled.

The empirical argumentation that addresses the research questions is presented in Chapters Five to Chapter Eight. In Chapters Five, Six, Seven, and Eight, evidence from implementation of the LASDAP in the Viwandani case further highlights the challenges public institutions face in planning for poverty reduction. The Viwandani case reveals several important findings. The first, as presented, is that in a context of an established dictatorship and

manipulation the LASDAP in the study period (2005-2007) barely supported participation. Attempts at participation were unconvincing and in Arnstein's (1969) view of participation were mere therapy and varying shades of tokenism. Secondly, the study also determines that accountability was carefully undermined by the LASDAP. Chapter Six also shows that the powerful, who were also often the non-poor, were silenced or muzzled through the use of condign and conditioned power. But even when the poor and seemingly powerless were subjected to oppressive power and puny provision of token select services, this study finds that they were not always powerless and helpless. The third main finding from the Viwandani case as Chapter Seven shows, is that, when the essence of lives of the poor and powerless was threatened, they not only overcame *facipulation*, but also exhibited power, hope, resilience, and ingenuity; and adapted their lives to survive the hostile and demeaning conditions of poverty in Viwandani.

9.2 Public Institutions, Urban Planning and Poverty Reduction: Empirical Insights

This study seeks to understand the challenges public institutions face in urban planning for poverty reduction in urban Kenya. A specific case, the LASDAP in Nairobi's Viwandani ward, is used to investigate these phenomena; but an institutional context at a national scale is provided in Chapters Three and Four. Epistemologically, the point of departure is that for an exploratory qualitative case study such as this one, analysis of the national context is critical both to situate and broaden the contextual analysis since national-local level relations matter in the growth, development and operationalisation of institutional frameworks. The remaining parts of this section provide the empirical insights availed in addressing the research questions that guide this study.

9.2.1 Institutional Framework for Urban Planning

While there is information, particularly in Government of Kenya publications, on the functions of different institutions, this study is the first to analyse these institutions in relation to poverty reduction, and the extent to which these institutions enhance or constrain citizen participation and accountability of public officers. This study finds that the processes of constitutional development affect the form and types of political institutions for urban planning. Before independence, during the first republic, and the period leading to the birth of Second Republic, the constitution invariably shaped the type and role of public institutions. This study then draws on existing literature (North, 1990; Putnam, 1993; Lane, 2005) and also found that institutions constrain behaviour and shape behaviour of actors.

Even though there are numerous institutions that have been established, including more recently a progressive Constitution (Republic of Kenya, 2010) that recognises and seeks to protect the poor, subversion by the Office of the President and resistance to reform continue to undermine the effectiveness of these institutions. The latter seems to vindicate Mbembe's (2000) argument that state power in Africa is "obscene and vulgar." To achieve an urban planning framework for poverty reduction, therefore, institutional reform processes should be cognisant of and address the insidious power represented by the reluctance to shift the current institutional framework from the *status quo* and align it to the aspirations of the recently promulgated constitution. Further, even though condign and conditioned power (Galbraith, 1983) is necessary in such institutional reforms, if the progressive aspirations in the constitution are to be realised, Foucault's (1991) notion of immanence power is indispensable.

In the same vein, at the city level, a crowding-out (see Table 5.3) of the City Council of Nairobi by national level institutions, particularly the Office of the President, is ubiquitous. The effect is undoubtedly the fragmentation of efforts for poverty reduction while at the same time invisibilising urban poverty in the City by focusing on rural poverty on one hand, and on the other hand

emphasising service provision in the city. Further, at the City of Nairobi, the Town Clerk and his senior managers such as the Director of City Planning, and the Councillors dominate the decision-making processes of the City. Compared to the role of central government, the dominance of technocrats at the City level is considered insignificant.

While respondents from central government perceived their role as advisory, their interventions, mainly in the form of sanctions, contradicted their view. Just as the central government frustrates the City, the City also frustrates its operations at the sub-city level. At the Viwandani ward, there were no records about the implementation of the LASDAP at all. From the perspective of the citizens, the institutional framework was clearly undermining the LASDAP.

The ease with which the constitution was amended from 1964 through to 1991 proved a double-edged sword for creating institutions in terms of participation and accountability. Through a system of amendments Kenya slid into a dictatorship that eschewed participation and accountability. But it is also through the 1991 constitutional amendments that the rebirth of political institutions was possible. It is justifiable to argue that with a new progressive constitution citizen participation and accountability of public officials is secured. But given the way public policy is developed in Kenya – proposals for elaborate systems of stakeholder forums under the aegis of the Office of the President to mean citizen participation - it is not unlikely that realisation of participation guaranteed in the Constitution of Kenya (2010) is impossible if future policy development does not ensure that those excluded by poverty and discrimination are empowered to take up opportunities presented by the constitution, can influence and control decision-making, and are able to exercise agency through institutions they shape for themselves. Moreover, because of *facipulation* and the façade of participation it portrays, it is highly likely that participation, even though guaranteed, can remain a perpetual illusion.

This study also finds that the legal framework for urban planning in Kenya does not generally support citizen participation and accountability. For

instance, the Physical Planning Act does not recognise informal or irregular settlements. Together with virtually obsolete land laws that do not provide any tenure rights to the poor, squatters and other groups of the urban poor, responding to urban poverty is extremely difficult. The study further finds that participation within the Physical Planning Act is at the discretion of a powerful Director of Physical Planning. Not unexpectedly, there are no sanctions and mechanisms provided by this Act to ensure the answerability of public officers to the citizens. The Environmental Management and Coordination Act, 1999 and the Water Act of 2003 on the other hand are the exception in the planning framework. This difference lies in the provision of *locus standi* rules that allows citizens to initiate public interest legal proceedings whether or not directly affected by any incidences of environmental degradation. But like the other laws, the EMCA and the Water Act are also anchored on a stakeholder's involvement (model) that only pays lip service to participation.

At the city level, there is an overlap of frameworks and institutions but with a clear dominance of the national level institutions, especially the Office of the President. The Local Government Act, which is the main statute governing the City of Nairobi, does not create an entitlement to participation by citizens. For instance, while citizens are allowed to attend full council meetings, they do so only as observers. Moreover, this Act does not provide for the council to consult the opinion of citizens. While citizen-initiated contact is not outlawed, according to the Local Government Act, any such citizen-initiated interaction can only proceed with the sanction of the chairman or if the residents manage to convince at least one-third of the council members to sign a request for a special meeting of the council.

The legal framework that is intended to operationalise the Constitution (2010) that guarantees participation of citizens and accountability of public officers in their discharge of public roles such as urban planning is generally incongruent to the latter. Because of the above, it follows that if the space of participation and accountability is to be significantly increased and secured, then these roles should be clearly specified according to Arnstein's ideas of partnership, delegated power, and citizen control (Arnstein, 1969:217). Ideas of

consultations built on stakeholder models or approaches, where the government – central or local - determine who participates, how they participate, as currently suggested by the government, should be completely eschewed if the institutional framework, especially the planning laws, are to enhance participation of citizens and the accountability of public officers. Because power is dynamic and is lived in institutions, these institutions must of necessity be dynamic, thus reform is inevitable. When those charged with ensuring that these institutions remain dynamic or relevant fail, the others affected by the increasing anachronism and irrelevancy invariably act to restore relevance.

9.2.2 Citizen Participation in Urban Planning

The study finds that from the onset of the Republic of Kenya participation and accountability were not recognised as important values. The foundations for the exclusion of the poor, and later in independent Kenya the citizens, were laid before independence. The 1964 constitutional amendment that made Kenya a republic also created an imperial President with unfettered power. The study finds that from 1964 through to the time of this research, voting was the main mechanism for participation. It comes as no surprise, therefore, that in this line of thought multi-party political democracy is analogous to citizen participation.

From a constitutional perspective, the overall framework for urban planning for poverty reduction stymied considerable space for accountability and citizen participation. There was no recourse as key political institutions such as the judiciary, the public service, police, and the military had been emasculated by the presidency. Since the constitution was not supportive of participation and accountability, the planning law rubric predictably restricted space for citizen participation and did not provide for significant accountability by public officers.

Participation in the LASDAP was by invitation even when public notices were posted in discrete places in Viwandani. This practice is neither new nor limited to the LASDAP, but as literature (Chambers, 2005; Brock, Cornwall and Gaventa, 2001; Cook and Sverrisson, 2001) shows, these are typical challenges of participation and are consistent with Arnstein's (1969) view of the difficulty of participation in the first ranks of the *ladder of participation*. This study thus shows the usefulness of Arnstein's (1969) notion of participation in unveiling the challenges of participation in a nascent democracy as the re-birth of public institutions indicates. With only ten of a possible 100 thousand people for the LASDAP to rely on a single notice and unconfirmed invitations to civil society organisations, it is not surprising that the majority of my respondents among the residents of Viwandani were not aware of the LASDAP.

Compared to participatory processes such as the participatory budgeting processes in Brazil (Coehlo, 2004; Acharya, Lavalley and Houtzager, 2004), participation referred to in the LASDAP in Viwandani is simply a sophisticated form of manipulation of citizens that is appropriately conceptualised as *facipulation*. The suggestion that if participation was assured in the LASDAP then the citizens would accurately identify their needs and priorities, which would in turn be addressed through the LASDAP, thereby addressing poverty, cannot be supported because the LASDAP was not participatory. My analysis of the views of officials of the City of Nairobi and politicians revealed that the Council tightly controlled the invitations and discussions during the consultations and even what was finally approved at the full council meetings. This research built on Chambers's (2005) position that power is extremely important in participatory processes, including participatory process in urban planning for poverty reduction. Therefore the study concludes that participation that ignores power is unlikely to be effective in its objectives. The methodology used also makes sure that this research goes beyond the issues of representation, information flows and the capacity of representatives "to act as intermediaries between constituents and participatory forums" (Mitullah, 2004:101). By exploring how power affects participation in a framework for

urban planning for poverty reduction, this research seeks to deepen the empirical understanding of effectiveness of participation.

9.2.3 Government Responsiveness to Urban Poverty

Poverty reduction has not always been an important priority of the government. There was an initial interest shortly after independence as articulated in the *Sessional Paper No. 10 of 1965*, but this petered out and only re-surfaced in the late 1980s. The findings of this research show that poverty at the national level was scarcely addressed beyond the rhetoric. The 1999 National Poverty Eradication Plan and the Poverty Reduction Strategy Papers in the early 2000s show a remarkable shift towards an undertaking to address poverty. However, absent in this plan and earlier responses to poverty are significant measures to address urban poverty.

The current Constitution (2010) in Articles 39 and 43 provides a progressive framework for addressing urban poverty. This study highlights the challenges urban poverty in Viwandani and similar contexts present in operationalising a progressive constitution through older order oppressive public institutions. Although at the time of my fieldwork the progressive Constitution was not yet in place, this particular finding in terms of clarity of expression and good intentions generally agrees with Watson's (2002) conclusion from the investigation of the role of power in metropolitan planning in Cape Town:

However well-designed and however well-intentioned a metropolitan planning process may be, it will present an opportunity for the exercise of power which could be simultaneously (but unpredictably) positive, or negative and dominatory. This is one important conclusion which can be drawn from the Forum years of the MSDF [the Metropolitan Spatial Development Framework] (Watson, 2002:133).

This research, thus, like Flyvbjerg (1998) and Watson (2002) has sought not only shows the ubiquitous quality of power relations but also how power

relations shape, and even alter planning outcomes. The conclusion is that good and clearly stated intentions that include poverty, the poor and poverty reduction in plans are not sufficient in and of themselves in ensuring that poverty, poverty reduction and the poor are explicitly addressed in plans. Even though the intentions to address poverty are clearly stated in the Constitution (before the 2010 Constitution), these are not in the plans for the city. Moreover, in operationalising these intentions, the interests of the status quo and powerful tend to dominate.

From the case of Viwandani, this research shows that poverty was not significantly addressed through the LASDAP. This research agrees with others like Charlton and Kihato (2006) that show that promoting and delivering services do not necessarily reduce poverty. In Viwandani the renovation of the dispensary, repair of the road and construction of the footbridge did not significantly affect the poverty of the residents.

Since the LASDAP allocations were invariably equally allocated amongst the 55 wards irrespective of the prevalence of poverty and other needs, the poor were correspondingly marginalised in the LASDAP. Obviously, with an average of 5 million shillings (equivalent of U.S. \$ 50,000) allocated each year to Viwandani ward as a result of equal as opposed to equitable allocation of the LASDAP, in Viwandani it was safer to prioritise and implement “safe” community infrastructure projects like providing murram for a few metres of seasonal roads. Of the U.S.\$ 170 thousand allocated to Viwandani ward during the study period, only U.S.\$ 18.6 thousand was eventually spent on a range of small auxiliary projects such as construction of the footbridge across River Kongo, renovation of the Lunga Lunga dispensary, maintenance of some community roads, and provision of primary school bursaries.

Although the discourses of poverty in the LASDAP yielded diverse views of what poverty is and who the poor were, these diverse views seldom informed the LASDAP planning processes in Nairobi’s Viwandani ward. Furthermore, since the other views of poverty were edged out and even the dominant notions of poverty did not necessarily inform the LASDAP processes in

Viwandani, the targeting of LASDAP projects such as the public toilets and the foot bridge was often too broad to be effective in addressing poverty and the poor. Thus, it is justifiable for this study to agree with the residents of Viwandani who conclude that the City of Nairobi was not addressing poverty.

This research also finds that by constituting and normalising a specific notion of poverty reduction, as the puny provision of select basic community services, the LASDAP did not significantly address poverty. Four discursive strategies were identified as critical techniques in constituting and normalising a truncated view of poverty reduction. These are: conflating service delivery with poverty reduction; configuring the LASDAP as a participatory process in which citizens identified their priorities; showing the City of Nairobi as benevolent and helping ungrateful poor despite the City's obvious financial difficulties; and finally constructing the citizens of Viwandani as indeed well-served by the City of Nairobi.

Because the City has not had a clear view of poverty or an explicit poverty reduction plan, in the LASDAP in Viwandani the City maintained a restricted notion of poverty. It was not surprising that as at the national level where the State did not significantly impact poverty, in Viwandani the City of Nairobi did not significantly reduce poverty. It follows, therefore, that for urban planning to address poverty in Viwandani and similar contexts, it is imperative that clarity of the phenomenon or problem is gained and deliberate strategies to address it are proposed.

9.2.4 Power in the Institutional Framework

By using condign, conditioned and compensatory power as well as through immanence, this study finds that from independence, the assault on political institutions was facilitated in three main ways, namely: amendments to the constitution, assassination of influential dissenting political leaders, and intolerance and intimidation of dissenting voices. The imperial presidency that coerces citizens and other public servants to some extent exhibits Galbriath's

(1983) notion of condign power. Through constitutional amendments a president is able to control all the nation's resources and decide on their use and access.

Foucault's (1991) notion of power as immanent is useful in understanding that while the government was clearly dominant and powerful, the dominated are also able to 'reproduce' practices and discourses that sometimes maintain or change the power relations between the oppressor and oppressed. The rebellion that ruptured in 1982 that climaxed in the failed *coup d'etat* clearly shows how the dominated and oppressed reproduce power relations.

This study builds on Foucault's (1991) and Cahill's (2008) notions of power being held by both the powerful and seemingly powerless. Similarly, even when the institutional framework for planning for poverty reduction was clearly oppressive and stifling, the resilience of the poor suggests there is another institutional framework that is relevant to the poor, which sustained their hope and made resistance to the oppressive power possible. The important institutions in the "alternative" framework were organisations formed by the poor and the Catholic Church. These organisations mainly addressed health, safety, environmental health, disaster management, funerals, crime, and violence in their communities. Here this study builds on the notion in development that power rests in finite resources and institutions (Kilby, 2002; Mayoux, 2002).

Whilst Allen (2003) considers the above notion as disempowering to the powerless, this study, on the contrary, views or shows that the poor, through their institutions are able to mobilise power, thereby transforming being powerless to being powerful and able to challenge oppressive power that restricts their accumulation of "things." Through these institutions the poor I purposively sampled in Viwandani effectively confronted oppressive power that marginalised them and were able to provide electricity, water, operate businesses, provide toilets, housing and collect garbage through alternative but severely constrained and compromised means.

Each law and policy in the legal framework for urban planning defines and sets out the relations between the citizens, the state and others. But these legally defined positions and relations also create authority and provide legitimacy in the distribution of power in planning. This study finds that power impacts on participation and accountability in the institutional framework for urban planning for poverty reduction in Nairobi's Viwandani ward.

On the political front, the Councillor, Member of Parliament, politicians, City of Nairobi officials, planners and other professionals, and the private business owners are more powerful whilst the poor are relatively powerless but at times are just as powerful if not more powerful than the non-poor. The powerful are through the use of their power, able to contain the poor in squalid, overcrowded spaces while living in relatively well-planned neighbourhoods. But even when the LASDAP processes produced priorities, the Councillors at the full council meetings invariably amend these priorities. As in the case of Sager and Ravlum's (2005) study that shows why Norwegian parliamentarians on the transport committees ignore expert opinion, the institutional analysis approach adopted in this study also analyses the effect of power, and provides a useful way to understand why politicians may not implement planning proposals for poverty reduction prepared by technocrats from the City of Nairobi.

There is also a way in which the decision-making in the LASDAPS builds on Forester's (1999) notion of *power as agenda setting*. To the extent that there is a struggle to influence and dominate interests in the struggle between the City's technocrats and politicians the latter carefully use the agenda of Council meetings to exclude the poor. It is reasonable, therefore, to argue that the LASDAP is justifiably best understood as agenda setting. However, the overall context in which the LASDAP is implemented is far from the participatory planning envisaged by Forester (1999). Thus far, this study has shown, as Forester (1999:175) would say, "...power shapes practice." Although Forester (ibid.) is critical of analyses that end with the above conclusion, the nature of the problem that this study sought to address meant that it would not be possible to establish what good urban planning for poverty

reduction would be. Instead, having established how the poor and non-poor interpret poverty and urban planning in Viwandani, then the progressive planning that follows from this analysis should be more sensitive to the needs of the poor.

9.3 On Public Institutions Planning for Urban Poverty Reduction

This study also builds on Moser's (1995) work that assesses the relationship between urban social policy and poverty reduction by exploring the relationship between urban planning by public institutions and poverty reduction. Unlike Moser (1995), this study specifically explores the challenges public institutions face. The epistemological and ontological approach that this study adopted shows that power greatly influences not only the relationship between planning and poverty reduction; but also adds layers of complexity to the challenges of institutionalising and operationalising urban planning for poverty reduction. By identifying what constricts the institutionalisation and operationalisation of urban planning for poverty reduction, rather than what normative urban planning for poverty reduction is, the study shows the significance of governance, power, and institutions in urban planning for poverty reduction. Thus, this study contributes to the growing body of knowledge on urban planning and institutionalism.

It is imperative that urban planning for poverty reduction should in addition to focusing on the poor, ensure that institutional change management is germane to practice and always seek to understand how the excluded respond to exclusion, deprivation, oppression, and how they participate in their everyday lives. This should be for the purpose of ensuring that urban planning for poverty reduction is always relevant and effective. The corollary is that if the reverse is the case, the poor, excluded and oppressed will invariably use governmental attributes, reproduce other power relations that will change the form and practice of urban planning for poverty reduction.

This study was an explorative qualitative case study of urban planning for poverty reduction by public institutions in Nairobi's Viwandani ward. Previous studies did not directly address the dynamics of urban planning by public institutions that might affect poverty reduction in Sub-Saharan African cities. Therefore, this study makes a useful contribution to the literature on urban planning by public institutions and poverty reduction.

By bringing together Checkoway's (1994) notion of citizen participation in planning processes, Arnstein's (1969) ideas of participation as manipulation, and Forester's (1999) deliberative practice, this study shows how power aggravates the institutional challenges of urban planning for poverty reduction. Additionally, by concentrating on the poorest ward in Nairobi the study also contributes further information on the LASDAP and public institutions' planning for urban poverty reduction in Nairobi, an area that is yet to be investigated in significant depth.

This study has sought to make an important addition to the literature on poverty and planning in Nairobi. By examining how institutional frameworks for planning for poverty reduction constrain or enhance the responsiveness of urban planning in poverty reduction, the study shows the significance of institutions in planning. Since this study was aimed at describing and explaining an emerging phenomenon of urban planning for poverty reduction, and illuminate the impact of institutional frameworks on urban planning, it adds to a base of largely little known information on urban planning and poverty reduction in Kenya. As a result, therefore, it is hoped that this study on the whole will be an important resource for obtaining knowledge on urban planning for poverty reduction that will invariably be useful in advancing knowledge and theory in this field.

9.4 Implications for Theory

Since very little is known about the challenges faced by public institutions in planning for poverty reduction in Kenya, there is correspondingly very little theory to build upon, or even test. Moreover, the cross-disciplinary nature of the research problem avails a diverse range of ontological and epistemological perspectives. Therefore, for this study, ideas of “poverty”, “institutions”, and “power” from politics, institutionalism, urban studies and development studies were together applied to build a conceptual framework to investigate the research problem.

The exploratory nature of this study notwithstanding, by adopting theoretical ideas from diverse disciplines, the research systematically analyses a specific case of urban planning for poverty reduction by public institutions. As a result, the study contributes to ways of having a deeper understanding of the dynamics of urban planning poverty reduction in Nairobi’s Viwandani ward. This research demonstrates what may hopefully become a productive way of evaluating the challenges faced by public institutions planning for poverty reduction in Nairobi and other African cities.

9.5 Implications for Further Research

It is worth noting that the scope for further research at a general level is both captivating and unlimited, at least for now. Extending similar studies to the other fifty-five wards of the City of Nairobi would be useful in enhancing understanding of power in planning for poverty reduction through the LASDAP. Such studies would also provide further scope for theory building in this field. Thus, further studies within the other wards of the City of Nairobi should provide invaluable information on the robustness of the theoretical, methodological, even analytical approach developed in this research.

Even though it is somewhat related to the above, since this research employed a qualitative case study methodology, the need for quantitative research to generalise the findings cannot be over emphasised. The literature

suggests that urban planning for poverty reduction is a relatively new phenomenon. Even scarcely known in this literature are the challenges faced by planners and the poor in urban planning for poverty reduction. Some of these challenges, as this study has shown, include: how to ensure citizen participation, accountability and empowerment of the poor and excluded while ensuring a dynamic and relevant institutional framework. This explorative qualitative case study research shows the complexity of both urban planning for poverty reduction and the challenges public institutions in Nairobi's Viwandani face in this endeavour; and sets a foundation for further research that seeks to build theory and methodology in this field.

REFERENCES

- Acharya, A., Lavallo, A.G. and Houtzager, P.P. (2004) Civil Society Representation in the Participatory Budget and Deliberative Councils of Sao Paulo, Brazil, *IDS Bulletin* 35 (2): 40-48.
- Ackerman, J. (2004) *State-Society Synergy for Accountability: Lessons for the World Bank*. Washington D.: The World Bank.
- ActionAid International Kenya (2006) *Local Government Reforms in Kenya: A Study on the Local Authority Service Delivery Action Plans in Kenya*. Nairobi: ActionAid International Kenya.
- Adar, K.G. (2000) The Internal and External Contexts of Human Rights Practice in Kenya: Daniel Arap Moi's Operational Code, *African Sociological Review* 4(1): 74-99.
- Adar, K.G. and Munyae, I.M. (2002) Human Rights Abuse in Kenya under Daniel Moi 1978-2001. *African Studies Quarterly* 5(1): 1 [online] [URL: http://web.africa.ufl.edu/asq/v5/v5i1a1.htm](http://web.africa.ufl.edu/asq/v5/v5i1a1.htm) [Accessed 4 June 2010].
- Akatch, S.O. (1992) The Decentralization of Development Planning in Kenya: A Case Study of Kisumu District. Unpublished PhD Thesis. Dortmund: University of Dortmund.
- Albaek, E. (1995) Between Knowledge and Power: Utilization of Social Science in Public Policy Making. *Policy Sciences* 28 (1):79-100.
- Alexander, E. (1986) *Approaches to Planning: Introducing Current Planning Theories, Concepts and Issues*. Montreux 2: Gordon and Breach Science Publishers.
- Aligula, E.M. (1999) *Improving the Performance of Urban Water Infrastructure Services Delivery and Management in Kenya: A Case Study of Nairobi City, Kisumu and Eldoret Towns*. Aachen: Shaker Verlag.
- Allen, J. (2003) *Lost Geographies of Power*. Malden, Massachusetts: Blackwell Publishing.
- Allmendinger, P. and Twedwr-Jones, M. (2002) The Communicative Turn in Urban Planning: Unravelling Paradigmatic, Imperialistic and Moralistic Dimensions. *Space and Polity* 6 (1):5-24.
- Alston, P. (2009) Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights Including the Right to Development. Nairobi and New York: Human Rights Council.
- Amis, P. and Rakodi, C. (1994) Urban Poverty: Issues for Research and Policy. *Journal of International Development* 6 (5):627-634.

Amutabi, M.N. (2009) Beyond Imperial Presidency in Kenya: Interrogating the Kenyatta, Moi and Kibaki Regimes and Implications for Democracy and Development, *Kenya Studies Review* 1(1): 55-84.

Anderson, D. (2005) 'Yours in the struggle for Majimbo.' Nationalism and Party Politics of Decolonization in Kenya, 1955-64, *Journal of Contemporary History*. 40 (3): 547-564.

Anderson, D. and Lochery, E. (2008) Violence and Exodus in Kenya's Rift Valley, 2008: Predictable and Preventable, *Journal of East African Studies* 2(2): 328-343.

Anguka, J. (1998) *Absolute Power: The Ouko Murder Mystery*. London: Pen Press Limited.

Arendt, H. (1958) *The Human Condition*. Chicago: University of Chicago Press.

Arendt, H. (1970) *On Violence in Crises of the Republic*. New York and London: Harcourt Brace Jovanovich.

Arnstein, S. (1969) Ladder of Citizen Participation, *Journal of American Institute of Planners*. (35): 216 – 224.

Asselin, L. M. and A. Dauphin (2001) *Poverty Measurement: A Conceptual Framework*. Quebec: Canadian Centre for International Studies and Cooperation.

Atieno Odhiambo, E.S. (1981) *Siasa: Politics and Nationalism in East Africa, 1905-1939*. Nairobi: Kenya Literature Bureau.

Bachrach, P. and Baratz, M.S. (1962) The Two Faces of Power, *American Political Science Review*. 56: 941-52.

Badejo, B.A. (2006) *Raila Odinga: An Enigma in Kenyan Politics*. Lagos and Nairobi: Yintab Books.

Bannon, A.L. (2007) Designing a Constitution – Drafting Processes: Lessons from Kenya. *The Yale Law Journal* 116: 1824-1872.

Barbone, L., Cord, L., Hull, K. and Sandefur, J. (2007) Democracy and Poverty Reduction: Explorations on the Sen Conjecture. In Dinello, N. and Popov, V. *Political Institutions and Development: Failed Expectations and Renewed Hopes*. Cheltenham and Northampton: Edward Elgar Publishing.

Barkan, J. and Ng'ethe, N. (1998) Kenya Tries Again, *Journal of Democracy* 9:32-48.

Barkan, J.D. and Chege, M. (1989) Decentralising the State: District Focus and the Politics of Reallocation in Kenya, *The Journal of Modern African Studies* 27(3): 431-458.

Barzel, Y. (1989) *Economic Analysis of Property Rights*. Cambridge: Cambridge University Press.

Basu, R. (2005) Geo-Surveillance Through Mapping of Test Results: An Ethical Dilemma or Public Policy Solution? *ACME* 3 (2):87-111.

Baumol, W.J. (1990) Entrepreneurship: Productive, Unproductive and Destructive. *Journal of Political Economy* 98 (5): 893-921.

Beard, V.A. (2000) Rethinking Urban Poverty: A look inside the Indonesian Household, *Third World Planning Review* 22(4): 361-380.

Berger, P. and Luckmann, T. (1967) *The Social Construction of Reality*. New York: Anchor Books.

Bigsten, A. (1987) Welfare and Economic Growth in Kenya 1914-76 *World Development* (14):9-25.

Blenen, H. (1974) *Kenya, The Politics of Participation and Control*. Princeton: Princeton University Press.

Branch, D. and Cheeseman, N. (2006) The Politics of Control in Kenya: Understanding the Bureaucratic-executive State, 1952-78, *Review of African Political Economy* (33): 11-31.

Branch, D. and Cheeseman, N. (2008) Democratization, Sequencing, and State Failure in Africa: Lessons from Kenya, *African Affairs* 108/430: 1-26.

Brock, K., Cornwall, A. and Gaventa, J. (2001) Power, Knowledge and Political Spaces in the Framing of Poverty Policy. *Working Paper 143*, Brighton: Institute of Development Studies.

Buchnan, J. (1990) The Domain of Constitutional Economics, *Constitutional Political Economy* (1): 1-18.

Bujra, A. (ed) (2005) *Democratic Transition in Kenya: The Struggle from Liberal to Social Democracy*. Nairobi and Addis Ababa: African Centre for Economic Growth and Development Policy Management Forum.

Cahill, A. (2008) Power over, power to, power with: Shifting perceptions of power for local economic development in the Philippines. *Asia Pacific Viewpoint* 49(3): 294-304.

Campbell, H. and R. Marshall (1999) Ethical Frameworks and Planning Theory. *International Journal of Urban and Regional Research* 23(3):465-478.

Campbell, J.L. (2001) Institutional Analysis and the Role of Ideas in Political Economy. In Campbell, J.L. and Pedersen O.K. (eds) (2001) *The Second Movement in Institutional Analysis*. Princeton: Princeton University Press.

Campbell, J.L. (2004) *Institutional Change and Globalization*. Princeton: Princeton University Press.

Castells, M. (1996) *The Information Age: Economy, Society and Culture Volume I: The Rise of the Network Society*. Oxford: Blackwell.

Castells, M. (2000) *The Rise of the Network Society*. Oxford, Malden, MA: Blackwell Publishers.

Central Bureau of Statistics (1977) *The Integrated Rural Surveys: Basic Report*. Nairobi: Central Bureau of Statistics.

Central Bureau of Statistics (2003) *Geographic Dimensions of Well-being in Kenya: Where are the Poor? From Districts to Locations*. Nairobi: Central Bureau of Statistics.

Central Bureau of Statistics (2005) *Geographic Dimensions of Well-being in Kenya: Who and Where are the Poor? A Constituency Level Profile*. Nairobi: Central Bureau of Statistics.

Chambers R. and Conway, G. (1992) Sustainable Rural Livelihoods: Practical Concepts for the 21st Century. Discussion Paper 296, IDS, University of Sussex.

Chambers, R. (1995) Poverty and Livelihoods: Whose Reality Counts? *Environment and Urbanization* 7 (1):173-204.

Chambers, R. (1997) *Whose Reality Counts: Putting the First Last*. London: Intermediate Technology Publications.

Chambers, R. (2005) *Ideas for Development*. London and Sterling, VA: Earthscan.

Chandy, L. and Gertz, G. (2011) *Poverty in Numbers: The Changing State of Global Poverty from 2005 to 2015*. Washington D.C.: The Brookings Institution.

Chang, H-J. (2006) Understanding the Relationship between Institutions and Economic Development: Some key theoretical issues. Discussion Paper No.2006/05 United Nations University – World Institute for Development Economics Research, Helsinki.

Charlton, S. and Kihato, C. (2006) Reaching the Poor? An Analysis of the Influences of the Evolution of South Africa's Housing Programme. In Pillay, U. Tomlinson, R. and Toit, J. (eds) *Democracy and Delivery: Urban Policy in South Africa*. Cape Town: HSRC Press.

Checkoway, B. (1994) Core Concepts for Community Change. PCMA Working Paper 44 and CRSO Working Paper 522. The Program on Conflict Management Alternatives at the University of Michigan.

Cheeseman, N. (2008) The Kenyan Elections of 2007: An Introduction, *Journal of Eastern African Studies*. 2(2):166-184.

Cheeseman, N. (2009) Kenya in 2009 In Mehler, A., Melber, H. and Walraven, K (eds) *Africa Year Book: Politics, Economy and Society South of the Sahara*. Leiden: Koninklijke Brill NV.

Chege, M. (2005) Beyond Figures: Social Inequality and Income Distribution in Kenya: 1963 – 2005. Nairobi: Society for International Development.

Chisholm, D. (1989) *Coordination Without Hierarchy: Informal Structures in Multi-Organizational Systems*. Berkeley: University of California Press.

Chitere, P. and Oyugi, L.N. (2005) Poverty Profiles and Evolution of Policies on Poverty in Kenya. Nairobi: Institute of Policy Analysis and Research.

Cifuentes, M., Kiura, C., Onyango, R., and Rutere, S. (2007) How Can Citizens Effectively Improve Services in their Ward? Guidelines for Citizen Involvement in the LASDAP: Keeping an eye on devolved funds. Nairobi: Institute of Policy Analysis and Research.

City Council of Nairobi (1973) *Nairobi: Metropolitan Growth Strategy*. Nairobi: City Council of Nairobi.

City Council of Nairobi (undated) *City of Nairobi Environment Outlook*. Nairobi: City Council of Nairobi, UNEP, UN Habitat and Republic of Kenya.

Clark, T. A. and Deng, N. (2007) Towards a Spatially Disaggregated Material based Hardship Index for Cities of Developing Nations: Nairobi, Kenya. *International Development Planning Review* 29(1): 69–92.

Coelho, V.S.P. (2004) Brazil's Health Councils: The Challenge of Building Participatory Political Institutions. *IDS Bulletin* 35 (2): 33-39.

Collier, P. (2007) *The Bottom Billion: Why the Poorest Countries are Failing and What Can Be Done About It*. Oxford: Oxford University Press.

Collier, P. and Dollar, D. (2001) Can the World cut Poverty in Half? How Policy Reform and Effective Aid Can Meet International Development Goals. *World Development* 29(11):1787-1802.

Collier, P. and Lal, D. (1980) Poverty and Growth in Kenya. World Bank Staff Working Paper No. 389, Washington DC: The World Bank.

Constitution of Kenya Review Commission (CKRC) (2005) *The Final Report of the Constitution of Kenya Review Commission*. Nairobi: CKRC.

- Corfield, F.D. (1960) *The Origins and Growth of the Mau Mau*. Nairobi: Government Printer.
- Cornwall, A. (undated) Beneficiary, Consumer, Citizen Perspectives on Participation for Poverty Reduction. Stockholm: SIDA Studies.
- Cousins, M. and Hussain, A. (1984) *Michele Foucault*. New York: St. Martin's Press.
- Cowton, C.J. and Dopson, S. (2002) Foucault's Prison? Management Control in an Automotive Distributor. *Management Accounting Research* 13:191-213.
- Crawford, E. and Thorbecke, E. (1978) Employment, Income Distribution, Poverty Alleviation and Basic Needs in Kenya: Report of ILO Consulting Mission. Cornell University.
- Crook, R.C. and Sverrisson, A.S. (2001) Decentralisation and Poverty-Reduction in Developing Countries: A Comparative Analysis or, is West Bengal Unique? *Working Paper 130*, Brighton: Institute of Development Studies.
- Culter, P. (1984) The Measurement of Poverty. A Review of Attempts to Quantify the Poor With Specific Reference to India. *World Development* (12): 1119-1132.
- Dahl, R.A. (1957) The Concept of Power. *Behavioral Science* 2:201-215.
- Dahl, R.A. (1961) *Who Governs? Democracy and Power in an American City*. New Haven: Yale University Press.
- Dahl, R.A. (1970) *Modern Political Analysis*, 2nd edition, Englewood Cliffs, New Jersey: Prentice Hall.
- Dahl, R.A. (1989) *Democracy and its Critics*. New Haven: Yale University Press.
- Dale, B. (2002) An Institutional Approach to Local Restructuring: The Case of Four Norwegian Mining Towns. *European Journal of Urban and Regional Studies* 9(1):5-50.
- Dauphin, A (2001) *Notes on Perceptions of Poverty: Usefulness and Methods*. Quebec: Canadian Centre for International Studies and Cooperation.
- Davidoff, P. (1965) Advocacy and Pluralism in Planning. *Journal of the American Institute of Planners* (31):331-338.
- Deaton, A. (1997) *The Analysis of Household Surveys: A Microeconomic Approach to Development Policy*. Washington D.C.: John Hopkins University Press.

Deleuze, G. and Guattari, F. (1988) *A Thousand Plateaus: Capitalism and Schizophrenia*. London: Athlone Press.

Devas, N. (1999) "Who Runs Cities? The Relationship Between Urban Governance, Service Delivery and Poverty." Unpublished report, London: DFID.

Devas, N and C. Rakodi (eds). (1993) *Managing Fast Growing Cities*. New York: Wiley.

Devas, N. (2002) *Review of the Local Authority Service Delivery Action Plans*. Nairobi and Birmingham: International Development Department and Gath Consultants.

Devine, J. (2006) Hardworking Newcomers and Generations of Poverty. Poverty Discourse in Central Washington State. *Antipode* 38(5): 952–976.

DiMaggio, P and Powell, W. (1983) The Iron Cage Revisited: Institutional Isomorphism and Collective Relativity in Organizational Fields. *American Sociological Review* 48:147-160.

Douglass, M and J. Friedmann (eds). (1998) *Cities for Citizens: Planning and the Rise of Civil Society in a Global Age*. New York: John Wiley and Sons.

DPLG (Department of Provincial and Local Government) (2004) Development Planning Indaba Report: A Report on the Deliberations of the Development Planning Indaba at Sun City, 29-30 March.

Duclos, J-Y. and Araar, A. (2006) *Poverty and Equity: Measurement, Policy and Estimation with DAD*. Ottawa, Cairo, Dakar, Montevideo, Nairobi, New Delhi, Singapore: Springer and IDRC.

Duclos, J.Y. (2001) *Poverty and Equity: Theory and Estimation*. Quebec: Universite Laval.

Durkheim, E. (1938) *The Rules of Sociological Method*. Chicago, Glencoe: Fress Press (originally 1895 in French).

Edwards, M. and Hulme, D. (1996) Too Close for Comfort? The Impact of Official Aid on Nongovernmental Organisations. *World Development* 24 (6):961-973.

Elkins, C. (2005) *Britain's Gulag: The Brutal End of the British Empire in Kenya*. London: Jonathan Cape.

Fainstein, S. (1995) Politics, economics and planning: why urban regimes matter. *Planning Theory* (14):34-43.

Flyvbjerg, B. (1998) *Rationality and Power: Democracy in Practice*. Chicago: University of Chicago Press.

Flyvbjerg, B. (1996) *The Dark Side of Planning: Rationality and Realrationalitat*. In Mandelbaum, S., Mazza, L. and Burchell, R. (eds) *Explorations in Planning Theory*. Rutgers: Centre for Urban Policy Research.

Flyvbjerg, B. (2001) *Making Social Science Matter: why social inquiry fails and how it can succeed again*. Cambridge: Press Syndicate of the University of Cambridge.

Forester, J. (1989) *Planning in the Face of Power*. Berkeley Los Angeles and London: University of California Press.

Forester, J. (1999) *The Deliberative Practitioner: Encouraging Participatory Planning Processes*. Cambridge: MIT Press.

Forester, J. (2004) Reflecting on Trying to Teach Planning Theory. *Planning Theory and Practice* 5(2):242-251.

Foucault, M. (1991) Governmentality In Burchell, G., Gordon, C. and Miller, P. (eds) *The Foucault Effect: Studies in Governmentality*. Chicago: University of Chicago Press.

Foucault, M. (1991) Space, Knowledge, and Power. In Rabinow, P. (ed) *The Foucault Reader*. London: Penguin.

Foucault, M. (2001) Space, Knowledge and Power In Faubio, J. (ed) *Power, Essential Works of Foucault, 1954-1984, Volume III*. New York: New York Press.

Fox, J.A. and Brown, L.D. (ed) (1998) *The Struggle for accountability: the World Bank, NGOs and grassroots movements*. Cambridge: MIT.

Friedmann, J. (1973) *Retracking America: A Theory of Transactive Planning*. New York: Anchor Press/Doubleday.

Fukuyama, F. (2007) Development and the Limits of Institutional Design. In Dinello, N. and Popov, V. *Political Institutions and Development: Failed Expectations and Renewed Hopes*. Cheltenham and Northampton: Edward Elgar Publishing.

Galbriath, J.K. (1983) *The Anatomy of Power*. Boston: Houghton Mifflin.

Garland, A.M, Massoumi, M. and Ruble, A. (2007) *Global Urban Poverty: Setting the Agenda*. Washington D.C: Woodrow Wilson Center for Scholars.

George, V. (1988) *Wealth, Poverty and Starvation: A World Perspective*.

George, V. (2012) *Major Thinkers in Welfare: Contemporary Issues in Historical Perspective*. Bristol and Chicago: The Policy Press.

Gertzel, C. (1970) *The Politics of Independent Kenya 1963-8*, Evanston: Northwestern University Press.

Ghai, Y.P. and Ghai, J.C. (undated) *The Choice In the Referendum: A Comparative Analysis of the Proposed Constitution of Kenya and the Current Constitution*. Nairobi: Consortium for the Empowerment and Development of Marginalised Communities (CEDMAC).

Ghai, Y.P. and McAuslan, J.P.W.B. (1970) *Public Law and Political Change in Kenya*. Nairobi: East Africa Publishing House.

Gibson, C.C. and Long, J.D. (2009) The presidential and parliamentary elections in Kenya, December 2007, *Electoral Studies*. xxx: 1-6.

Giddens, A. (1984) *The Constitution of Society: Outline of the Theory of Structuration*. Cambridge: Polity Press.

Giddens, A. (2001) *Sociology, 4th Edition*. Cambridge: Polity.

Gimode, E.A. (2007) The Role of the Police in Kenya's Democratisation Process. In Murunga, G.R. and Nasong'o, S.W. (eds) *Kenya: The Struggle for Democracy*. Dakar; London and New York: CODESRIA Books and ZED Books.

Gitu, M. (2005) Human Rights, Citizenship and Nationhood in Kenya: An Overview of Losses, Gains and Prospects. In Bujra, A. (ed) *Democratic Transition in Kenya: The Struggle from Liberal to Social Democracy*. Nairobi and Addis Ababa: African Centre for Economic Growth and Development Policy Management Forum.

Goetz, A.M. and Jenkins, R. (2002) Voice, Accountability and Human Development: The Emergence of a New Agenda. Background Paper for Human Development Report. New York: United Nations Development Programme.

Goetz, A.M. and Jenkins, R. (2004) *Reinventing Accountability: Making Democracy Work for Human Development*. Basingstoke: Palgrave MacMillan

Goetz, A.M. and Jenkins, R. (2005) *Reinventing Accountability: Making Democracy Work for Human Development*. Basingstoke: Palgrave MacMillan

Gomm, R., Hammersley, M. and Foster, P. (eds) (2000) *Case Study Method: Key Issues, Key Texts*. London, Thousand Oaks and New Delhi: Sage Publications.

Gonzalez, S. and Healey, P. (2005) A Sociological Institutional Approach to the Study of Innovation in Governance Capacity. *Urban Studies* 42 (11):2055-2069.

Goodin, R. (2000) Institutional Gaming. *Governance* 13:523-533.

Gramsci, A. (1971) *Selections from the Prison Notebooks of Antonio Gramsci, 1926-1937*. London: Lawrence and Wishart.

Green, D. (2008) *From Poverty to Power: How Active Citizens and Effective States Can Change the World*. Oxford: Oxfam International.

Green, D. and Shapiro, I. (1994) *Pathologies of Rational Choice*. New Haven: Yale University Press.

Greer, E. and Thorbecke, E. (1986) A Methodology of measuring food poverty applied to Kenya. *Journal of Development Economics* 24 (1):59-74.

Hagenaars, A and Vos, K. (1988) The Definition of and Measurement of Poverty. *The Journal of Human Resources* XXIII (2): 212-221.

Hajer, M.A. (1995) *The Politics of Environmental Discourse*. New York: Oxford University Press.

Hall, P.A. (1993) Policy Paradigms, Social Learning and the State: The Case of Economic Policy Making in Britain. *Comparative Politics*. 25 (3):185-196.

Hanns Seidel Foundation (2006) *Decentralised Funds in Kenya*. Nairobi: Hanns Seidel Foundation.

Harris, N. (2002) Collaborative Planning: From Theoretical Foundations to Practice Forms. In Allmendinger, P. and Tewdwr-Jones, M. (ed) *Planning Futures: New Directions for Planning Theory*. London and New York: Routledge.

Harrison, P, Todes, A. and Watson, V. (2007) *Planning and Transformation: Learning from the Post-Apartheid Experience*. London and New York: Routledge Taylor and Francis.

Harrison, P. (2001) The Genealogy of South Africa's Integrated Development Plan. *Third World Planning Review* 23 (2): 175 – 193.

Harrison, P. (2006) Integrated Development Plans and Third Way Politics. In Pillay, U. Tomlinson, R. and Toit, J. (eds) *Democracy and Delivery: Urban Policy in South Africa*. Cape Town: HSRC Press.

Healey, P. (1993) Planning through debate: The communicative turn in planning theory, in Fischer, Frank and Forester, John (eds) *The argumentative turn in policy analysis and planning*. Duke University Press, Durham and London: 233-253.

Healey, P. (1992) An Institutional model of the development process. *Journal of Property Research* 9(1):33-44.

Healey, P. (1992a) Planning through debate: The Communicative Turn in Planning Theory. *Town Planning Review*, 63(2):234-257.

Healey, P. (1997) *Collaborative Planning: Shaping Places in Fragmented Societies*. Basingstoke: Macmillan.

Healey, P. (1997a) Situating Communicative Practices: Moving Beyond Urban Political Economy. *Planning Theory* 17: 65–72.

Healey, P. (1997b). *Collaborative planning: shaping places in fragmented societies*. London: Macmillan.

Healey, P. (1998). Building institutional capacity through collaborative approaches to urban planning *Environment and Planning A* 30(9): 1531-1456.

Healey, P. (1999). "Institutionalist analysis, communicative planning and shaping places." *Journal of Planning Education and Research* 19(2): 111-122.

Healey, P. (2002). Place, identity and governance: transforming discourses and practices. In Hillier, J. and Rooksby, E. (eds) *Habitus: A Sense of Place*. Aldershot, Hants, Avebury: 173-202.

Healey, P. (2004a). The New Institutionalism and the Transformative Goals of Planning. *Planning and Institutions*. N. Verma. New Brunswick, New Jersey, Center for Urban Policy Research.

Healey, P. (2004b). The treatment of space and place in the new strategic planning in Europe. *International Journal of Urban and Regional Research*.

Healey, P. (2004c) Transforming governance: challenges of institutional adaptation and new politics of space. *European Planning Studies*.

Healey, P. (2005) On the Project of Institutional Transformation In the Planning Field: Commentary on the Contributions. *Planning Theory* 4(1): 301-310.

Heclo, H. and Wildavsky, A. (1974) *The Private Government of Public Money*. London: Macmillan.

Holmstrom, B and Milgrom, P. (1990) Regulating Trade Amongst Agents. *Journal of Institutional and Theoretical Economics* 146 (1):85-105.

Hornsby, C. (2012) *Kenya: A History Since Independence*. London and New York: I.B. Tauris.

Horowitz, J. (2008) *Power-sharing in Kenya*. Oslo: Centre for the Study of Civil War.

Hudson, B.M. (1979) Comparison of Current Planning Theories: Counterparts and Contradictions. *Journal of American Planning Association*. 45:387-398.

Hugon, P. (2004) *The Economy of Africa*. Pretoria: Protea Book House.

Huxley, M. and Yiftachel, O. (2000) New Paradigm or Old Myopia: Unsettling the Communicative Turn in Planning Theory. *Journal of Planning Education and Research*. 19(3):101-110.

Ikiara, G.K. (1996) Economic Restructuring and Poverty In Kenya. In Ng'ethe, N. and Wassuna, O. (eds) *From Sessional Paper No. 10 to Structural Adjustment: Towards Indigenizing the Policy Debate*. Nairobi: Institute of Policy Analysis and Research.

Ikiara, G.K. (1998) Economic Restructuring and Poverty in Kenya In Njuguna, N. and Wassuna, O. (eds) *From Sessional Paper No. 10 to Structural Adjustment: Towards Indigenizing the Policy Debate*. Nairobi: The Institute of Policy Analysis and Research.

Innes, J. (1995) Planning theory's emerging paradigm: Communicative action and interactive practice. *Journal of Planning Education and Research* 14:183-90.

International Labour Organisation (ILO) (1972) *Unemployment and Equality: A Strategy for Increasing Productive Employment in Kenya*. Geneva: ILO.
International Republican Institute (IRI) and Strategic Public Relations and Research (2007) *Kenya Election Day Poll*. <http://www.iri.org>. [Accessed 27 December 2012].

Kamath, L. (2006) Achieving Global Competitiveness and Local Poverty Reduction? Examining The Public Private Partnership Model of Governance in Bangalore, India in Urban Planning and Policy Development. PhD Dissertation, New Brunswick Rutgers: The State University of New Jersey.

Kankanhalli, A. (2005) A Research Framework for Citizen Participation via eConsultation. Proceeding Paper 145, Americas Conference on Information Systems (AMCIS). <http://aisel.aisnet.org/amcis2005/145>. [Accessed 26 November 2010].

Kanyinga, K., Long, J.D. and Ndi, D. (2010) Was it Rigged? A Forensic Analysis of Vote Returns in Kenya's 2007 Elections. In Kanyinga, K. and Okello, D. (eds) *Tensions and Reversals in Democratic Transitions. The Kenya 2007 General Elections*. Nairobi: Society for International Development and Institute for Development Studies, University of Nairobi.

Kaul, I., Grunberg, I. and Stern, M.A. (eds) (1999) *Global Public Goods: International Cooperation in the 21st Century*. New York: Oxford University Press.

Kenya National Bureau of Statistics (Ministry of Planning and National Development) (2006) *Kenya Integrated Household Budget Survey (KIHBS)* Nairobi: Kenya National Bureau of Statistics.

Kenya National Bureau of Statistics (Ministry of Planning and National Development) (2007) *Basic Report on Well-being in Kenya*. Nairobi: Kenya National Bureau of Statistics.

Kenya National Commission on Human Rights (KNCHR) (2008) *On the Brink of the Precipe: A Human Rights Account of Kenya's Post 2007 Election Violence*. Nairobi: KNCHR.

Keohane, R.O. (1989) *International Institutions and State Power: Essays in International Relations Theory*. Boulder, Colorado: Westview Press.

Kiamba, M.C. (1986) *The Role of the State in the Control of Urban Development: Urban Land Policy for Nairobi, Kenya. Unpublished?* Ph.D. Thesis, Christ's College, University of Cambridge.

Kibwana, K. (1999) Constitutional Development in Kenya in 1999. Kampala: Kituo Cha Katiba.

Kilby, P. (2002) Microfinance and poverty reduction: The dangers of a development 'snake oil', *Development Bulletin* (57): 117-120.

Kimalu, P.N., Nafula, N., Manda, D.K., Mwabu, G. and Kimenyi, M.S. (2002) *A Situational Analysis of Poverty in Kenya*. KIPPRA Working Paper No.6. Nairobi: KIPPRA.

Kindiki, K. (2007) The Emerging Jurisprudence on Kenya's Constitutional Review Law. *Kenya Law Review* 1(153): 153-187

Kingoriah, G.K. (1980) *Policy Impacts on Urban Land Use Patterns in Nairobi, Kenya: 1899–1979*. Unpublished Ph.D. Thesis, The School of Graduate Studies, Indiana State University.

KIPPRA. (2006). *Impact Evaluation Report on Decentralised Funds Study in Kenya: A Review of Bondo, Bungoma, Nakuru, Machakos, Kirinyaga, and Mombasa Districts and Nairobi Province*. Nairobi: KIPPRA.

Kiringai, J. (2006) Public Spending in Kenya: An Inequality Perspective. In Society for International Development, *Readings on Inequality in Kenya: Sectoral Dynamic and Perspectives*. Nairobi: Society for International Development.

Kirui, K. and Murkomen, K. (2011) *The Legislature: Bi-Cameralism Under the New Constitution*. Nairobi: Society for International Development.

Kituo Cha Katiba (1999) *Kenya: Key Historical and Constitutional Milestones*. Available at

Kloop, J. (2001) Land Patronage and Resistance in the Multiparty Context. PhD Dissertation, Department of Political Science, McGill University.

Kloop, J. (2002) Can Moral Ethnicity Trump Political Tribalism? The Struggle for Land and Nation in Kenya. *African Studies*. 61:2

Klump, R. (2006) Pro-Poor Growth in Vietnam: Miracle or Model? In Besley, T. and Cord, L. (eds) *Delivering on the Promise of Pro-Poor Growth*. New York: Palgrave.

Kraay, A. (2006) When Is Growth Pro-Poor? Evidence from a Panel of Countries. *Journal of Development of Economics* 80 (1):198-227.

Kravitz, A.S. (1970) Mandarism: Planning as a Handmaiden to Conservative Politics In Beyle, L. and Lathrop, A. (eds) *Planning for Politics: Uneasy Partnership*. New York: Odyssey Press.

Kriekhaus, J. (2004) The Regime Debate Revisited: A Sensitivity Analysis of Democracy's Economic Effect. *British Journal of Political Science* 34 (4):635-655.

Kyle, K. (1999) *The Politics of the Independence of Kenya*. Basingstoke: Macmillan.

Lane, M.B. (2005) Public Participation in Planning: An Intellectual History. *Australian Geographer* 36(3): 283-299.

Leakey, L.S.B. (1952) *Mau Mau and the Kikuyu*. London: Methuen.

Leys, N. (1926) *Kenya*. London: Hogarth.

Lincoln, Y.S. and Guba, E.G. (1985) *Naturalistic Inquiry*. Beverly Hills, C.A: Sage.

Lindblom, C.E. (1959) The Science of Muddling Through. *Public Administration Review* (19):78-88.

Lindenberg, S. (1992) An Extended Theory of Institutions and Contractual Discipline. *Journal of Institutional and Theoretical Economics* 148:125-154

Lipton, M. and Ravallion, M. (1995) Poverty and Policy In Bherman, J. and Srinivasan, T.N (eds) *Handbook of Development Economics*. Amsterdam: Hollande.

Lubaale, G. N. (2009) Accounts of Crisis: Poor People's Experiences of Food, Fuel and Financial Crises in Kenya, unpublished report. Brighton: Institute of Development Studies.

Lubaale, G.; Agevi, E; and Ngari, J. (2007) *Participation, Service Delivery and Poverty Reduction: A Study of the Local Authorities Service Delivery Action Plans in Kenya*. Nairobi: Ministry of Local Government/Kenya Local Government Reform Programme.

Lukes, S. (1974) *Power: A Radical View*. London: Macmillan.

- Lukes, S. (2005) *Power: A Radical View. Second Edition*. Basington and New York: Palgrave Macmillan.
- Lupia, A. and McCubbins, M. (1998) *The Democratic Dilemma*. New York: Cambridge University Press
- Lynch, G. (2006) The Fruits of Perception: Ethnic Politics and the Case of Kenya's Constitutional Referendum, *African Studies*. 65(2): 233-270.
- Lyons, W. and Alexander, R. (2000) A Tale of Two Electorates: Generational Replacement and Decline of Voting in Presidential Elections. *Journal of Politics* (62):1014-1034.
- Maathai, W.M. (2007) *Unbowed: A Memoir*. London: William Heinemann.
- Mabin, A. (2002) An Assessment of the IDP in the Ehlanzeni District. Report prepared for DPLG.
- Manda, D.K.; M.S. Kimenyi and G. Mwabu (2001) *A Review of Poverty and Antipoverty Initiatives in Kenya*. KIPPRA Working Paper No.3. Nairobi: KIPPRA.
- Mann, M. (1993) *The Sources of Social Power, Volume II: The Rise of Classes and Nation States, 1760-1914*. Cambridge: Cambridge University Press.
- Mantysalo, R. (2005) Approaches to participation in urban planning theories. Available at <http://virtuaali.tkk.fi/yhdyskuntasuunnittelu/ytk-eri/material/mantysalo.pdf>. [Accessed 10 October 2010].
- March, J.G. and Olsen, J.P. (2006) Elaborating the 'New Institutionalism' In Rhodes, R.A.W., Binder, S.A. and Rockman, B.A. (eds) *The Oxford Handbook of Political Institutions*. Oxford: Oxford University Press.
- Mason, D.R. and Beard, V.A. (2008) Community-based Planning and Poverty Reduction in Oaxaca, Mexico. *Journal of Planning Education and Research* (27):245-260.
- Mayoux, L. (2002) Microfinance and women's empowerment: Rethinking 'best practice', *Development Bulletin* (57): 76-81.
- Mbembe, A. (1992) Provisional Notes on the Postcolony. *Africa*. 62(1): 1-37.
- Mbembe, A. (2001) *On the Postcolony*. Berkeley: California University Press.
- Mboya, T. (1963) *Freedom and After*. Nairobi: East African Educational Publishers.
- Meijerink, G., Roza, P., and van Berkum, S. (2009) *East African governments' Responses to High Cereal Prices*. The Hague: LEI Wageningen.

- Meisler, S. (1970) Tribal Politics Harass Kenya. *Foreign Affairs* (49):101-116.
- Miguel, E. (2004) Tribe or Nation? Nation Building and Public Goods in Kenya versus Tanzania. *World Politics* 56(327): 37-28.
- Mitlin, D. and Satterthwaite, D. (2011) Is There Really So Little Urban Poverty in Sub-Saharan Africa? *Cities Without Slums*. Available at: <http://www.citiesalliance.org/ca/sites/citiesalliance.org/files/CIVISMarch2011.pdf> [Accessed 14 November 2011]
- Mitullah, W.V. (2004) Participatory Governance for Poverty Alleviation in Local Authorities in Kenya: Lessons and Challenges. *Regional Development Dialogue* 25 (1): 88–105.
- Morgenthau, H.J. (2006) *Politics Among Nations: The Struggle for Power and Peace*. 7th edition revised by Thompson, K.W. and Clinton, W. Boston: McGraw Hill Higher Education.
- Moser, C. and McIlwaine, C. (1999) Participatory urban appraisal and its application for research on violence. *Environment and Urbanization*. 11(2): 203-226.
- Moser, C.O.N. (1995) Urban Social Policy and Poverty Reduction, *Environment and Urbanization* 7(1): 159-171.
- Moser, C.O.N. (2005) Rights, Power, and Poverty Reduction. In Alsop, R. (ed) *Power, Rights and Poverty*. Washington DC: World Bank.
- Moser, C.O.N. (2009) A Conceptual and Operational Framework for Pro-Poor Asset Adaptation to Urban Climate Change. Paper presented at 5th World Bank Urban Research Symposium. Marseille, 28-30 June.
- Mosse, D. (2005) Power Relations and Poverty Reduction. In Alsop, R. (ed) *Power, Rights and Poverty*. Washington DC: World Bank.
- Mueller, S.D. (1972) Political Parties in Kenya: Patterns of Opposition and Dissent, 1919-1969, PhD Dissertation, Princeton University.
- Mueller, S. (1984) Government and Opposition in Kenya, 1966-1969. *Journal of Modern African Studies* (22).
- Muema, R. (2002) *Participatory Urban Planning and Flexible Action Plans: The Case of Local Service Delivery [Action] Plans (LASDAP) in Kenya*. A Paper presented for the Planning Africa Conference, Durban, South Africa.
- Mulisa, T. (2009) Public Participation in Constitution-Making: A Critical Assessment of the Kenya Experience. Masters of Law Dissertation, University of the Western Cape.
- Murphy, K.M., Shleifer, A. and Vishny, R.W. (1993) Why Rent Seeking is So Costly to Growth? *American Economic Review*. 106 (2):503-530.

- Murray, J. (1968) Succession Prospects in Kenya. *African Report*
- Murunga, G.R. and Nasong'o, S.W. (eds) (2007) *Kenya: The Struggle for Democracy*. Dakar; London and New York: CODESRIA Books and ZED Books
- Mwabu, G. Kiriti, T., Ndenge, G., Kirimi, J., Mariara, J, Gesami, R., Masai, W., Kimuyu, P., Chemengich, M. and Munene, F. (2000) Poverty in Kenya: Profiles and Determinants. Department of Economics, University of Nairobi and Ministry of Planning, mimeo.
- Mwabu, G.; M.S. Kimenyi; P. Kimalu; N. Nafula and D.K. Manda (2002) *Predicting Poverty: A Methodological Note with a Kenyan Example*. Nairobi: KIPPRA.
- Mwangi, E. and Markelova, H. (2009) Collective Action and Property Rights for Poverty Reduction: A Review of Methods and Approaches. *Development Policy Review* 27(3):307-331.
- Nairobi City Council (2002) *Local Authority Service Delivery Action Plan 2002-2003*. Nairobi: Nairobi City Council
- Narayan, D. and Nyamwaya, D. (1996) Participatory Poverty Assessment Study – Kenya. World Bank Environment Department Papers No. 34. Washington, DC: The World Bank.
- National Council of Churches of Kenya (NCCCK) (2005) *Decentralised Funds: A Manual on how to Participate in the Management and Monitoring of Decentralised Funds*. Nairobi: National Council of Churches of Kenya.
- Nel, E. and John, L. (2006) The Evolution of Local Economic Development in South Africa In Pillay, U., Tomlinson, R. and du Toit, J. (eds) *Democracy and Delivery: Urban Policy in South Africa*. Pretoria: HSRC Press.
- Nel, E. L. (1994) Local Development Initiatives, A New Development Paradigm for Urban Areas: An Assessment with Reference to Sutterheim. *Development Southern Africa* 11 (3):363–378.
- Nel, E.L. (2001) Local Economic Development: A Review and Assessment of its Current Status in South Africa. *Urban Studies*. 38 (7):1003-1024.
- Nel, E.L. and Rogerson, C.M. (eds) (2005) *Local Economic Development in South Africa*. New Jersey: Transactions Press.
- Ng'ethe, N. (1998), 'The Politics of Democratization Through Decentralization in Kenya: Policy and Practice with Emphasis on the District Focus for Rural Development', Nairobi: Institute of Policy Analysis and Research.

Ng'ethe, N. and Wassuna, O. (eds) (1996) *From Sessional Paper No. 10 to Structural Adjustment: Towards Indigenizing the Policy Debate*. Nairobi: Institute of Policy Analysis and Research

North, D. (1990) *Institutions, Institutional Change and Economic Performance*. Cambridge: Cambridge University Press.

North, D. (1991) *Institutions, Institutional Change and Economic Performance*. Cambridge: Cambridge University Press.

Odhiambo-Mbai, C. (1996) The Nature of Public Policy-Making In Kenya: 1963-1996. In Ng'ethe, N. and Wassuna, O. (eds) *From Sessional Paper No. 10 to Structural Adjustment: Towards Indigenizing the Policy Debate*. Nairobi: Institute of Policy Analysis and Research

Odhiambo-Mbai, C. (2003) The Rise and Fall of The Autocratic State in Kenya. In Oyugi, W., Wanyande, P. and Odhiambo-Mbai, C. (eds) *The Politics of Transition in Kenya: From KANU to NARC*. Nairobi: Heinrich Boll Foundation

Odhiambo-Mbai, C. (2005) Accountability in Governance. In Bujra, A. (ed) *Democratic Transition in Kenya: The Struggle from Liberal to Social Democracy*. Nairobi and Addis Ababa: African Centre for Economic Growth and Development Policy Management Forum.

Odinga, O. (1967) *Not Yet Uhuru*. Nairobi, Kampala, Dar es Salaam: East African Educational Publishers

Odinga, R. (2013) *The Flame of Freedom*. Nairobi: Mountain Top Publishers.

Ofwona, A.C. (1991) A Profile of Poverty in Urban Kenya: A Case Study of Nairobi: Unpublished Master of Arts thesis, Department of Economics, University of Nairobi.

Oiro, M.W., Mwabu, G. and Manda, D.K. (2004) *Poverty and Employment in Kenya*. Nairobi: The Kenya Institute for Public Policy Research and Analysis.

Ojwang, J.B. (2003) The Draft Bill for a New Constitution of Kenya: An Appraisal. In the Report of the Constitution of Kenya Review Commission (CKRC). Nairobi: CKRC.

Okoth-Ogendo, H.W.O. (1971) The Politics of Constitutional Change in Kenya since Independence, 1963-69. *African Affairs*: 9-34.

Omenya, A. (2006) A Thin Veil of Protection: Fragility of Informal Tenure in Nairobi and Johannesburg. A Paper presented at an international conference on *Homelessness a Global Perspective*. New Delhi, India, 9–13 January.

Omenya, A. and Huchzermeyer, M. (2006) Slum Upgrading in the Complex Context of Policy Change: The Case of Nairobi. In Huchzermeyer M. and

Karam, A. (eds) *Informal Settlements: A Perpetual Challenge?* Cape Town: UCT Press.

Omiti, J; and Owino, W. (2003) *Poverty Reduction Efforts in Kenya: Institutions, Capacity and Policy*: Nairobi: Institute of Policy Analysis and Research.

Omiti, J., Owino, W., Otieno, W., and Odundo, P. (2002) *Poverty Reduction Efforts in Kenya: Institutions, Capacity and Policy*. Nairobi: Institute of Policy Analysis and Research.

Ostrom, E. (1986) An Agenda for the Study of Institutions. *Public Choice* 48(1):3-25.

Ostrom, E. (1991) A Framework for Institutional Analysis. Working Paper. Indiana University Workshop on Political Theory and Policy Analysis.

Owolabi, S. (2011) Shifted Responsibilities. Case Studies of Kenya's Participatory Local Authority Service Delivery Action Plan (LASDAP). New York: Cornell University; Unpublished Ph.D. dissertation

Owusu, G. (2008) The Role of Small Towns in Regional Development and Poverty Reduction. *International Journal of Urban and Regional Research* 32(2):435-72.

Oyugi, W. (2004), 'The Search for an Appropriate Decentralisation Design in Kenya: Historical and Comparative Perspectives' *Study Prepared for the Center for Law and Research International*, Nairobi: CLARION.

Oyugi, W. (ed) (1994) *Politics and Administration in East Africa*. Nairobi: English Press

Oyugi, W., Wanyande, P. and Odhiambo-Mbai, C. (2003) *The Politics of Transition in Kenya: From KANU to NARC*. Nairobi: Heinrich Boll Foundation.

Parry, G., Moyser, G., and Day, N. (1992) *Political Participation and Democracy in Britain*. New York: Cambridge University Press.

Patel, P. (2001) Multiparty Politics in Kenya. *Revista Ciencia Politica*. XXI (1):154-173.

Pattie, C., Syed, P. and Whitely, P. (2003) Citizenship and Civic Engagement: Attitudes and Behaviour in Britain. *Political Studies*. 51 (3):443-468.

Peters, G. (1999) *Institutional Theory in Political Science: The "New Institutionalism"*. London: Pinter.

Phasha, E.K. (2005) Poverty Reduction and the Regional Special Development Framework: The Case of Johannesburg Inner City. MSc thesis, University of the Witwatersrand, Johannesburg.

Powell, W and DiMaggio, P (eds) (1991) *The New Institutionalism and Organisational Analysis*. Chicago: University of Chicago Press.

Putnam, R. (1993) *Making Democracy Work: Civic Traditions in Modern Italy*. Princeton: Princeton University Press.

Rakodi, C. (2004) Representations and Responsiveness – Urban Politics and the Poor in Ten Cities in the South. *Community Development Journal* 39 (3):252-265.

Ravallion, M. (1994) *Poverty Comparison*. Chur, Switzerland: Harwood Academic Publishers.

Ravallion, M. and Chen, S. (2007) Absolute Poverty Measures for the Developing World. *Development Research Group*, World Bank.

Ravallion, M. Chen, S. and Sangraula, P. (2007) New Evidence on the Urbanization of Global Poverty. *Population and Development Review* 33(4):667-701.

Republic of Kenya (1965a) *African Socialism and its Application to Planning in Kenya*. Nairobi: Government Printer.

Republic of Kenya (1965b) *Development Plan*. Nairobi: Government Printer.

Republic of Kenya (1969) *Development Plan*. Nairobi: Government Printer.

Republic of Kenya (1973) *Development Plan*. Nairobi: Government Printer.

Republic of Kenya (1977) *Integrated Rural Surveys 1974-75*. Nairobi: Central Bureau of Statistics

Republic of Kenya (1978) *Development Plan*. Nairobi: Government Printer.

Republic of Kenya (1982) *The Integrated Rural Surveys 1976-79 Basic Report*. Nairobi: Central Bureau of Statistics.

Republic of Kenya (1983) *Development Plan*. Nairobi: Government Printer.

Republic of Kenya (1988) *Development Plan*. Nairobi: Government Printer.

Republic of Kenya (1996) *Development Plan*. Nairobi: Government Printer.

Republic of Kenya (1999) *National Poverty Eradication Plan 1999–2015*. Nairobi: Office of the President.

Republic of Kenya (2001) *Effective Management for Sustainable Economic Growth and Poverty Reduction*. Nairobi: Government Printer.

Republic of Kenya (2001) *Guidelines for the Preparation, Implementation and Monitoring of Local Authority Service Delivery Action Plan*. Nairobi: Ministry of Local Government.

Republic of Kenya (2001) *Poverty Reduction Strategy Paper for the Period 2001–2004*. Nairobi: Government Printer.

Republic of Kenya (2004) *Investment Programme for the Economic Recovery Strategy for Wealth and Employment Creation: 2003–2007*. Nairobi: Ministry of Planning and National Development.

Republic of Kenya (2007) *Kenya Integrated Household Budget Survey (KIHBS) 2005/06: Basic Report*. Nairobi: Central Bureau of Statistics.

Republic of Kenya (2008) *First Medium Term Plan, 2008-2012*. Nairobi: Office of the Prime Minister.

Republic of Kenya (2009) *The Commission of Inquiry into the Post Election Violence*. Nairobi: Government Printers

Republic of Kenya and UNDP (2010) *Kenya National Human Development Report 2009: Youth and Human Development: Tapping the Untapped Resource*. Nairobi: UNDP.

Rhodes, R.A.W., Binder, S.A. and Rockman, B.A. (eds) *The Oxford Handbook of Political Institutions*. Oxford: Oxford University Press.

Riddell, B. (1997) Structural Adjustment Programmes and the City in Tropical Africa. *Urban Studies* 34 (8): 1297–1307.

Rodrick, D. (2003) *In Search of Prosperity*. Princeton: Princeton University Press.

Rosberg, C.G and Nottingham, J. (1966) *The Myth of Mau Mau*. London: Pall Mall.

Ross, M. (2006) Is Democracy Good for the Poor? *American Journal of Political Science* 50 (4):860-874.

Sachs, J. (2005) *The End of Poverty: How We Can Make it Happen in Our Life-time*. London: Penguin.

Sage, T. and Ravlum, I-A. (2005) The Political Relevance of Planners' Analysis: The Case of a Parliamentary Standing Committee. *Planning Theory* 4(1): 33-65.

Sager, T. (1994) *Communicative Planning Theory*. Aldershot: Avebury.

Salet, W.M. (2002) Evolving Institutions: An International Exploration into Planning and Law. *Journal of Planning Education and Research* (22):26-35.

Sandbrook, R. (1972) Patrons, Clients, and Unions: The Labour Movement and Political Conflict in Kenya. *Journal of Commonwealth Political Studies*. (9): 9-10.

Sanders, E. (1999) *Roots of Reform: Farmers, Workers and the American State, 1877-1917*. Chicago: University of Chicago Press.

Schedler, A. (1999) Conceptualizing accountability: In Schedler, A.; Diamond, L. and Patter, M.A. *The self-restraining state: Power and accountability in new Democracies*. London: Lynne Renier.

Schlesinger, A.M. Jr. (1973) *The Imperial Presidency*. Boston: Houghton Mifflin.

Schmidt, S. and Kibara, G. (2002) *Kenya on the Path Toward Democracy? An Interim Evaluation*. Nairobi: Konrad Adenauer Foundation.

Schmidt, V. (2002) *The Futures of European Capitalism*. Oxford: Oxford University Press.

Seers, D. (1969) The Meaning of Development Literature. *International Development Review* 11(4): 2-6.

Sen, A. (1983) Poor, Relatively Speaking. *Oxford Economic Papers* 35:153-169.

Sen, A. (1999) Democracy as a Universal Value. *Journal of Democracy* 10 (30): 3-7.

Sen, A.K. (1976) Poverty: An Ordinal Approach to Measurement. *Econometrica* 44: 219-231.

Sen, A. (1992) *Inequality Re-examined*. Oxford: Oxford University Press.

Seyd, P. and Whitely, P. (1992) *Labor's Grassroots: Politics of Party Membership*. Oxford: Clarendon Press.

Shepsle, K.A. (1979) Institutional Arrangements and Equilibrium in Multidimensional Voting Models. *American Journal of Political Science*. (23):27-60.

Shepsle, K.A. (2006) Rational Choice Institutions. In Rhodes, R.A.W., Binder, S.A. and Rockman, B.A. (eds) *The Oxford Handbook of Political Institutions*. Oxford: Oxford University Press.

Society for International Development (2004) *Pulling Apart: Facts and Figures on Inequality in Kenya*. Nairobi: Society for International Development.

Society for International Development (2006) *Readings on Inequality in Kenya: Sectoral Dynamics and Perspectives*. Nairobi: Society for International Development.

Sorreson, M.P.K. (1967) *Land Reform in Kikuyu Country*. London and Nairobi: Oxford University Press.

Srinivasan, T.N. (1994) Human Development: A New Paradigm or Reinvention of the Wheel? *American Economic Association*. 84 (2):238-243.

Steinmo, S. (2001) The New Institutionalism. In Clark, B. and Foweraker, J. (eds) *The Encyclopaedia of Democratic Thought*. London: Routledge.

Streeten, P. (1974) Some Problems in the Use and Transfer of Intellectual Technology. *Journal of Economic Literature*.

Streeten, P. (1982) *First Things, First: Meeting Basic Human Needs in Developing Countries*. New York: Oxford University Press.

Streeten, P.P., Burki, S.J., ul Haq, M., Hicks, N. and Stewart, F. (1981) *First Things First, Meeting Basic Needs in Developing Countries*. New York: Oxford University Press.

Sundet, G., Barasa, T. and Moen, E. (2009) *Political Economy Analysis of Kenya*. Dar es Salaam and Oslo: Norwegian Agency for Development Cooperation.

Swilling, M. (ed) (1997) *Governing Africa's Cities*. Johannesburg: Witwatersrand University Press.

Swynnerton, R.J.M. (1953) *A Plan to Intensify Development of African Agriculture in Kenya*. Nairobi: Government Printer.

Syagga, P.M. (2006) Land Ownership and Use in Kenya: Policy Prescriptions from an Inequality Perspective. In Society for International Development (SID) *Readings on Inequality in Kenya: Sectoral Dynamics and Perspectives*. Nairobi: SID.

Syagga, P.M. (2007). '*Independent Study on the Impact of the Local Authorities Transfer Fund (LATF) in Kenya*'. KLGRG

Tamarkin, M. (1978) The Roots of Political Stability in Kenya. *African Affairs*.

Therien, J.P. (1999) Beyond the North-South Divide: The Two Tales of World Poverty. *Third World Quarterly* 20(4):723-742.

Thornton-White, L.W., Silberman, L. and Anderson, P.R. (1948) *Nairobi: Master Plan for a Colonial Capital*. London: His Majesty's Stationery Office.

Throup, D. and Hornsby, C. (1998) *Multi-Party Politics in Kenya: The Kenyatta and Moi States and the Triumph of the System in the 1992 Elections*. Oxford: James Curry.

Tomlins, C.L. (1985) *The State and the Union: Labour Relations in America, 1880-1960*. Cambridge: Cambridge University Press.

UN-Habitat (2003) *Slums of the World: The face of urban poverty in the new millennium?* Nairobi: UN-Habitat.

UN-Habitat (2008) *State of the World Cities, 2008-2009: Harmonious Cities*. New York: EarthScan.

UN-Habitat (2009) *Planning Sustainable Cities: Global Report on Human Settlements 2009*. Nairobi: UN-Habitat.

UN-Habitat (2011) *State of the World's Cities: 2010/2011 Bridging the Urban Divide*. London and Washington D.C.: Earthscan.

UNDP (2005) *Human Development Report 2005 International Cooperation at a Crossroads: Aid, Trade and Security in an Unequal World*. New York: UNDP.

UNDP (2006) *Kenya National Human Development Report: Human Security and Human Development, A Deliberate Choice*. Nairobi: UNDP.

UNDP (2011) *Human Development Report 2011 Sustainability and Equity: A Better Future for All*. New York: UNDP.

United Nations Department of Economic and Social Affairs (UNDESA) (2010) *World Urbanization Prospects: The 2009 Revision*, CD-ROM Edition. New York: United Nations.

Uphoff, N. (1987) Relations Between Government and NGOs and the Promotion of Autonomous Development. Paper presented to the Conference on the Promotion of Autonomous Development. Ithaca, New York, Cornell University.

Vancouver Declaration of Planning: *World Planners Congress 2006*. Available at <http://www.globalplannersnetwork.org/pdf/06declarationenglish.pdf> [Accessed 24 November 2011].

Verba, S., Scholzman, K. and Brady, P. (1995) *Voice and Equality: Civic Voluntarism in American Politics*. Cambridge: Harvard University Press.

Vigar, G., Healey, P., Hull, A. and Davoudi, S. (2000) *Planning, Governance and Spatial Strategy in Britain*. London: Macmillan.

Wagle, U. (2000) The Policy Science of Democracy: The Issues of Methodology and Citizen Participation. *Policy Sciences*. 33 (2):207-223.

Wainaina, S. and Okoth, R. (2002) Local Democracy and Decentralisation in Kenya. In UN-HABITAT (ed) *Local Democracy and Decentralisation in East and Southern Africa: Experiences from Uganda, Kenya, Botswana, Tanzania and Ethiopia*. Nairobi: UNHABITAT.

Wanyande, P. (1996) Human Capital Development in Kenya. In Ng'ethe, N. and Wassuna, O. (eds) *From Sessional Paper No. 10 to Structural Adjustment: Towards Indigenizing the Policy Debate*. Nairobi: Institute of Policy Analysis and Research.

Wanyande, P. (2005) Evolution of Governance Practice in Kenya: An Overview. In Bujra, A. (ed) *Democratic Transition in Kenya: The Struggle from Liberal to Social Democracy*. Nairobi and Addis Ababa: African Centre for Economic Growth and Development Policy Management Forum.

Wasike, W.S.K. and Kimenyi, M.S. (2001) Infrastructure Service Entitlements and Urban Poverty: Improving Policy for Alternative Delivery in Kenya, A Research Proposal, Kenya Institute for Public Policy and Research and Analysis.

Watson, V. (2001) *Change and Continuity in Spatial Planning: Metropolitan Planning in Cape Town under Transition*. Unpublished PhD Thesis. Johannesburg: University of the Witwatersrand.

Weber, M. (1978) *Economy and Society*, edited by Ruth, G and Wittich, C. Berkeley: University of California Press.

Weerd-Nederhof, P.C. (2001) Qualitative case study research. The case of a PhD research project on organising and managing new product development systems. *Management Decision* 39(7):513-538.

Williamson, O. (1990) A Comparison of Alternative Approaches to Economic Organisation. *Journal of Institutional and Theoretical Economics* 146:61-71.

Williamson, O.E. (2000) The New Institutional Economics: Taking Stock, Looking Ahead. *Journal of Economic Literature*. 38 (3):595-613.

Woolcock, M. (1998) Social Capital and Economic Development: Towards a Theoretical Synthesis and Policy Framework. *Theory and Society* 27(2):151-208.

World Bank (1995) *The World Bank Annual Report 1995*. Washington DC: World Bank.

World Bank (2001) *World Development Report 2000/2001: Attacking Poverty*. Washington: World Bank.

World Bank (2005) *World Development Report 2006: Equity and Development*. Washington DC: World Bank.

World Bank (2009) Kenya: *Poverty and Inequality Assessment: Executive Summary and Synthesis Report*. Washington DC: Poverty Reduction and Economic Management Unit Africa Region.

World Bank (2011) *World Development Report: Conflict, Security and Development*. Washington DC: World Bank.

World Bank and IMF (2000) *Progress Reports on Heavily Indebted Poor Countries (HIPC) and Poverty Reduction Strategy Papers (PRSPs)*. Washington DC.: Development Committee. Available at <http://siteresources.worldbank.org/INTDEBTDEPT/ProgressReports/> [Accessed 20 April 2005].

Yin, R. (1994) *Case Study Research: Design and Methods*, Applied Social Research Methods Series Volume 5. Thousand Oakes: Sage.

Yin, R.K. (2009) *Case Study Research: Design and Methods*. Thousand Oaks, London, New Delhi and Singapore: Sage Publications

Zucker, L. (1978) The Production of Trust: Institutionalized Source of Economic Structure, 1840 -1920. In Straw B.M. and Cummings L.L. (eds) *Research in Organisational Behaviour*, vol.8. Greenwich.

Zwanenberg, van R. (1972) History and theory of urban poverty in Nairobi: The problem of slum development. Nairobi: Institute of Development Studies

INTERVIEWS/PERSONAL COMMUNICATION

1. Adolwa, Patrick, Assistant Director Urban Development, Ministry of Local Government, 17 December 2006.
2. Agevi, Elijah, Chief Executive Officer, Research Triangle Africa, 28 October 2005 and 20 December 2006.
3. Akatch, Samuel, Associate Professor/Director Housing and Building Research University of Nairobi, 29 April 2005.
4. Akungo, Benson, Physical Planning Department, Ministry of Lands, 01 November 2005.
5. Amollo, James, Resident Mukuru Kayaba, 31 December 2006
6. Barreh, John, Planner City Council of Nairobi, 17 December 2006.
7. Cheptoo, Irene, Registrar Architectural Association of Kenya, Town Planning Chapter, 21 October 2005.
8. Dabaso, Adan, Village Chairman, 28 December 2006.
9. Emali, Teresia, St. Monica Wajane Group, 23 December 2006.
10. Gathoni, Mary, St. Monica Wajane Group, 22 December 2006 and 05 January 2007.
11. Gathoni, Nancy Njoki, Women's leader Lunga Lunga, 23 December 2006.
12. Gatugi, Nicholas, Lunga Lunga Youth Group, 23 December 2006.
13. Gitandi, Samson, Lunga Lunga Youth Group, 23 December 2006.
14. Hassan, Mohammed, Donholm Youth Group, 28 December 2006.
15. Hongo, Angeline, Kenya Local Government Reform Programme, 17 February 2007.
16. Ibrahim, Jacob, Village Chairman, Mukuru Kayaba, 31 December 2006.
17. Jobita, Margaret, Programme Officer HIV/AIDS, Association of Local Governments of Kenya, 17 January 2007.
18. Kamau, Lawrence, Vice Chairman, Mukuru Kayaba, 31 December 2006.
19. Kangara, Maina, Councillor City Council of Nairobi, 06 February 2007.
20. Karirah, Gitau Sarah, Consultant UNHABITAT, 16 May 2005.
21. Kariuki, Peter, Director Social and Economic Rights Foundation, 14 January 2007
22. Kariuki, Maina, Riziki Community Group, 29 December 2006.
23. Kavithi, Peter, Chief Administrative Officer, City Council of Nairobi, 20 December 2006.
24. Kibe, Mungai, Human Settlements Officer UNHABITAT, 16 May 2005.
25. Kibinda, Peter, Director City Planning, City Council of Nairobi, 15 January 2007.
26. Kilei, Michael, Lunga Lunga Youth Group, 14 January 2007.
27. Kimani, Daniel, Ward Manager Viwandani, City Council of Nairobi, 24 January 2007.
28. Kingori, Simon, Ward Manager Nairobi South, City Council of Nairobi, 24 January 2007.
29. Kipkemoi, Arap Kirui, National Assembly, 11 November 2005.
30. Kithakye, David, Human Settlements Officer UNHABITAT, 30 November 2005.
31. Kyengo, Benson, Resident Mukuru Kayaba, 31 December 2006.

32. Lunalo, MandeguChristopher, Resident Mukuru Kayaba, 31 December 2006.
33. Lusuli, Manguya, Chief Nairobi South, 10 January 2007.
34. Mairura, OmwengaEvans, Chair Town Planning Chapter, Architectural Association of Kenya, 01 November 2005.
35. Makokha, Eric, Chief Executive Shelter Forum, 20 January 2007.
36. Makunda, Timothy, Planner in Private Practice, 18 November 2005.
37. Maleche, Zachary, Senior Lecturer Department of Urban and Regional Planning, University of Nairobi, 28 November 2005.
38. Malombe, Julius, Director of Housing, Ministry of Housing, 15 January 2007.
39. Masinde, Augustine, Secretary Kenya Institute of Planners, 08 November 2005.
40. Mboga, Hamisi, Secretary General Association of Local Governments of Kenya, 16 January 2007.
41. Mmbwanga, Emmy, Kenya Local Government Reform Programme, 19 January 2007.
42. Muchiri, Damaris, Chief Viwandani, 29 December 2006.
43. Muema, Rose, Deputy Director City Planning, City Council of Nairobi, 07 November 2005.
44. Mukami, Hannah, Nyakinyua Women's Group, 28 December 2006.
45. Mulinge, Nathan, Director of Housing, City Council of Nairobi, 15 December 2006.
46. Mundara, Rahab, Consultant Practical Action – ITDG, 04 January 2007.
47. Musoga, Herbert, Physical Planning Department, Ministry of Lands, 01 November 2005.
48. Musyawa, Peninah, Wamusye Women's Group, 28 December 2006.
49. Muthoni, Jennifer, Amani Women's Group, 28 December 2006.
50. Muthoni, Purity, Viwandani Community Development Association, 28 December 2006.
51. Mutiso, David, Pioneer and retired Planner/Architect, 21 October 2005.
52. Mutwiri, Eric, Chief Ofafa Maringo, 10 January 2007.
53. Mwai, J, Councillor City Council of Nairobi, 22 January 2007.
54. Mwangi, Karanja Isaac, United Nations Center for Regional Development, 28 November 2005.
55. Mwangi, Patrick, Lunga Lunga Youth Group, 23 December 2006.
56. Mwangi, Timothy, Registrar Physical Planners Registration Board, 11 November 2005.
57. Mwaniki, Bernadette, Planner in Private Practice, 25 October 2005.
58. Mwanzia, Robert, Resident Mukuru Kayaba, 31 December 2006.
59. Ndolo, Reuben, Member of Parliament Makadara, Nairobi, 22 January 2007.
60. Ngayu, Margaret, Planner in Private Practice, 21 October 2005.
61. Ngina, Mary, Wamusye Women's Group, 28 December 2006.
62. Ngugi, John, Resident Mukuru Kayaba, 30 December 2006.
63. Njau, Gilbert, First African Planner, City Council of Nairobi, 21 October 2005.
64. Njenga, Benjamin, Resident Mukuru Kayaba, 31 December 2006.

65. Njenga, Kinuthia Cecilia, Human Settlements Officer UNHABITAT, 05 January 2007.
66. Njoroge, Anthony, Donholm Youth Group, 28 December 2006.
67. Njoroge, Joseph, Chairman Lunga Lunga Central, 22 December 2006.
68. Njoroge, Kenneth, Deputy Director Environment, City Council of Nairobi, 03 January 2007.
69. Njuguna, Evanson, Resident Lunga Lunga, 29 December 2006.
70. Njuguna, James, Resident, Lunga Lunga, 29 December 2006.
71. Nyambura, Anastasia, Milimani Lunga Lunga, 28 December 2006.
72. Nyanja Enid, Planner in Private Practice, 09 November 2006.
73. Nyoro, Thomas, District Officer Makadara Division Nairobi, 11 January 2007.
74. Nzioki, Titus, Resident Mukuru Kayaba, 31 December 2006.
75. Obiero, Samuel, Senior Lecturer, Department of Urban and Regional Planning, University of Nairobi, 01 November 2005.
76. Odongo, Patrick Tom, Director Planning, Nakuru Municipal Council, 09 November 2005 and 05 February 2007.
77. Ogut, Christine, Deputy City Engineer, City Council of Nairobi, 15 January 2007.
78. Ohas, John, Pioneer and retired Planner in Private practice, 29 October 2005.
79. Olima, Washington, Associate Professor and Dean Faculty of Architecture, Design and Development, University of Nairobi, 05 December 2005.
80. Omare, Chris, Treasurer, Kenya Institute of Planners, 29 October 2005.
81. Omare, Julius, Catechist St Mary's Catholic Church, 04 January 2007.
82. Omoto, Josiah, Chief Executive Umande Trust, 03 January 2007.
83. Onyiro, George, Project Manager UNHABITAT, 30 November 2005.
84. Opete, Opete, Councillor City Council of Nairobi, 06 January 2007.
85. Ouma, Christopher, Lunga Lunga Youth Group, 23 December 2006.
86. PMG Kamau, Assistant Town Clerk, 09 January 2007.
87. Rema, Ezekiel, Chairman Muungano wa Wana Vijiji, 06 January 2007.
88. Taylor, Wendy, Private consultant, 15 April 2005.
89. Tuts, Raf, Head of Capacity Building, UNHABITAT, 05 January 2005.
90. Waiganjo, John, LASDAP Desk Officer, City Council of Nairobi, 25 January 2007.
91. Waithera, Lydia, St. Monica Wajane Group, 22 December 2006.
92. Wako, Rukiya, Donholm Maendeleo Self Help Group, 23 December 2006.
93. Wambui, Lydia, Donholm Self Help Group, 23 December 2006.
94. Wambui, Milka, Shirika La Usafi, 28 December 2006.
95. Wangari, Margaret, St Monica Wajane Group, 23 December 2006.
96. Wangui, Margaret, Donholm Maendeleo Self Help Group, 23 December 2006.
97. Wanjira, Susan, Amani Women's Group, 28 December 2006.
98. Wathuta, Maina, Resident Nairobi South, 22 December 2006.
99. Waweru, Jackson, Lunga Lunga Youth Group, 23 December 2006.

LAWS AND ACTS OF PARLIAMENT

Republic of Kenya (1977) *Local Government Act Amended. Chapter 256.* Nairobi: Government Printer.

Republic of Kenya (1996) *The Physical Planning Act. Chapter 285.* Nairobi: Government Printer.

Republic of Kenya (1997) *Constitution of Kenya Review Act.* Nairobi: Government Printer.

Republic of Kenya (1998) *Local Authorities Transfer Fund Act.* Nairobi: Government Printer.

Republic of Kenya (1999) *Environmental Management and Coordination Act.* Nairobi: Government Printer.

Republic of Kenya (2003) *Constituencies Development Fund Act.* Nairobi: Government Printer.

Republic of Kenya (2003) *Water Act.* Nairobi: Government Printer.

Republic of Kenya (2008) *Constitution of Kenya Review Act.* Nairobi: Government Printer.

Republic of Kenya (2008) *National Accord and Reconciliation Act.* Nairobi: Government Printer.

Republic of Kenya (2010) *Constitution of Kenya.* Nairobi: Government Printer.

COMMITTEES AND MINUTES

Housing Development Committee, 21 February 2006 at 1000 hours
LASDAP Committee, 10 May 2006 at 1000 hours
LASDAP Committee, 17 February 2006 at 1000 hours
LASDAP Committee, 18 October 2006 at 1230 hours
LASDAP Committee, 28 September 2004 at 1000 hours
LASDAP Committee, 31 May 2005 at 100 hours
Special Meeting and the 764th Meeting of the City Council of Nairobi, 7
October 2004 at 1430 hours
Town Planning Committee, 11 May 2006 at 1430 hours

City Council of Nairobi Publications / reports

LASDAP projects status report, undated
LASDAP Report 2002
Nairobi City Council (2002) Divisional Consultative Meeting on Preparation of
the LASDAP (in collaboration with the Nairobi Informal Settlements
Coordinating Committee)
Nairobi City Council (2002) LASDAP
Nairobi City Council (2003) LASDAP
Nairobi City Council (2004) LASDAP
Nairobi City Council (2005) LASDAP
Nairobi City Council (2005) LASDAP

APPENDIX A

FIELD RESEARCH PROTOCOL

OCTOBER 2006

Statement on the Research

This research is all about the power of planning in the context of poverty. It will be carefully analysing the planning and implementation of the LASDAP projects in the Viwandani ward of Makadara constituency in the City of Nairobi. This research is titled: Planning, Poverty and Power: The Role of Power in Poverty Eradication Plans of the City of Nairobi, Kenya (see attached summary of the research and list of questionnaires for details).

This research involves gathering information from a range of respondents. These include: Central Government (officials from the Ministry of Lands and Ministry of Local Government, Local Government Reform Programme), City of Nairobi officials, members of organised civil society organisations involved in poverty related activities in the ward, business community, the Area MP and Councillors, selected professionals, community members where the LASDAP project(s) is located, community based organisations and the DFID Kenya Urban Poverty Programme. This research aims at improving planning for poverty reduction in City of Nairobi.

Your participation in this research is voluntary. You may refuse to participate, discontinue participation, or skip any questions you don't wish to answer at any time without penalty. Although you may not personally receive any direct benefits from participating in this research, the research will hopefully have a wider benefit to planning in Kenya, or at least to academic knowledge and understanding. As an academic research, confidentiality of information provided will be maintained and names of individuals will not be published whilst presenting the results of the study without the necessary authority. It is only the researcher, Grace Lubaale, who will have access to research results associated with your identity. To ensure your participation is confidential, please do not provide any personally identifying information on the questionnaires.

Should you have any questions about this research study, do not hesitate to contact the researcher or his supervisor, Professor Philip Harrison of the

School Architecture and Planning, at the University of the Witwatersrand, Johannesburg, Private Bag 3, Wits 2050 Republic of South Africa. Email: philiph@joburg.org.za or telephone: +27 11 717 7702

I would be most grateful if you assisted me by kindly answering related to planning for Local Authority Service Delivery Action Plans and poverty reduction in Nairobi and the wards in the Makadara Constituency. In the event that some of the questions asked appear irrelevant to you or your organisation, please answer only those you deem relevant. Finally your comments on this study will be much appreciated.

PART A: TOWN CLERK

DATE:

LOCATION/PLACE

TIME OF COMMENCEMENT OF INTERVIEW:

PART ONE: INTRODUCTION.

My names are Grace Lubaale, at present a PhD Candidate at the School of Architecture and Planning, at the University of the Witwatersrand, Johannesburg.

The purpose of my visit is mainly to talk to you about my research and get your views on the study. I trust your views and your thoughts will greatly enrich my study. I will begin with getting to know more about your role in this organisation.

- 1) How long have you been in this position?
- 2) What position did you hold before moving here?

Let me move on to asking specific question about the city's views on issues related to poverty

PART: TWO

- 1). How has the City responded to poverty?
- 2) How does the City relate with other local and central government departments in addressing poverty?
- 3) What does the Poverty Reduction strategy mean to the City of Nairobi?
- 4) How do you see your programmes tackling poverty in the City?
- 5) Could you please narrate for me how the LASDAP has worked in Nairobi?
 - Actors/players and their roles and expectations from the process
 - How they interacted
 - How did each of them understand the purpose of the LASDAP process
 - Challenges faced and how they have been addressed
 - Outcomes, successes and what did not turn out well
 - What could have been done differently
- 6) What lessons or insights have you gained from the City's response to poverty?

Finally, I would like to get you personal views on some issues related to poverty in the City of Nairobi.

- **Notions of poverty**
- **City's response to poverty**
- **Planning for poverty**

THANK YOU.

**TIME INTERVIEW ENDED
PERSONAL COMMENTS:**

PART 2

KEY STAFF IN THE MINISTRY OF LOCAL GOVERNMENT, LOCAL GOVERNMENT REFORM PROGRAMME AND MINISTRY OF LANDS, DEPARTMENT OF PHYSICAL PLANNING

DATE:

LOCATION/PLACE:

TIME OF COMMENCEMENT OF INTERVIEW:

PART ONE: INTRODUCTION.

My names are Grace Lubaale, at present a PhD Candidate at the School of Architecture and Planning, at the University of the Witwatersrand, Johannesburg.

The purpose of my visit is mainly to talk to you about my research and get your views on the study. I trust your views and your thoughts will greatly enrich my study. I will begin with getting to know more about your role in this organisation.

- 1) How long have you been in this position?
- 2) What position did you hold before moving here?

Let me move on to asking specific question about the city's views on issues related to poverty

PART: TWO

- 1) How has your department responded to poverty in the country and in Nairobi in particular?
- 2) Could you please describe the planning process for poverty reduction in the country?
- 3) How does your department relate with the City and with other central government departments in addressing poverty?
- 4) What has the Poverty Reduction strategy meant to your work and relationship with the City of Nairobi?
- 5) Could you please explain to me how the LASDAP has worked in Nairobi?
 - Actors/players and their roles and expectations from the process
 - How they interacted

- How did each of them understand the purpose of the LASDAP process
- Challenges faced and how they have been addressed
- Outcomes, successes and what did not turn out well
- What could have been done differently

6) What lessons or insights have you gained from the department and City's response to poverty?

Finally, I would like to get your personal views on some issues related to poverty in the City of Nairobi.

- **Notions of poverty**
- **City's response to poverty**
- **Planning for poverty**

THANK YOU.

TIME INTERVIEW ENDED

PERSONAL COMMENTS:

PART 3

CITY OF NAIROBI PLANNING DEPARTMENT AND OTHER STAFF WHO ARE INVOLVED IN THE LASDAP

DATE:

LOCATION/PLACE:

TIME OF COMMENCEMENT OF INTERVIEW:

PART ONE: INTRODUCTION.

My names are Grace Lubaale, at present a PhD Candidate at the School of Architecture and Planning, at the University of the Witwatersrand, Johannesburg.

The purpose of my visit is mainly to talk to you about my research and get your views on the study. I trust your views and your thoughts will greatly enrich my study. I will begin with getting to know more about your role in this organisation.

- 1) How long have you been in this position?
- 2) What position did you hold before moving here?

Let me move on to asking specific question about the city's views on issues related to poverty

PART: TWO

- 1) How has the City Council responded to poverty in Nairobi?
- 2) Could you please describe the planning process for poverty reduction in the city?
- 3) How does your department relate with the other departments of the Council and government ministries in addressing poverty?
- 4) What has the Poverty Reduction strategy meant to your work and relationship with the City of Nairobi?
- 5) Could you please narrate for me how the LASDAP has worked in Nairobi?
 - Actors/players and their roles and expectations from the process
 - How they interacted

- How did each of them understand the purpose of the LASDAP process
- Challenges faced and how they have been addressed
- Outcomes, successes and what did not turn out well
- What could have been done differently

6) In which parts of the city has the LASDAP been successful/not successful in reducing poverty? Why?

7) What lessons or insights have you gained from the department and City's response to poverty?

Finally, I would like to get your personal views on some issues related to poverty in the City of Nairobi.

- **Notions of poverty**
- **City's response to poverty**
- **Planning for poverty**

THANK YOU.

TIME INTERVIEW ENDED

PERSONAL COMMENTS:

PART 4

ORGANISED CIVIL SOCIETY AND BUSINESS COMMUNITY IN VIWANDANI WARD, MAKADARA CONSTITUENCY

NAME

DATE

LOCATION/PLACE:

TIME OF COMMENCEMENT OF INTERVIEW:

PART ONE: INTRODUCTION.

My names are Grace Lubaale, at present a PhD Candidate at the School of Architecture and Planning, at the University of the Witwatersrand, Johannesburg.

The purpose of my visit is mainly to talk to you about my research and get your views on the study. I trust your views and your thoughts will greatly enrich my study. I will begin with getting to know more about your role in this organisation.

- 1) How long have you been in this position?
- 2) What position did you hold before moving here?

Let me move on to asking specific question about the city's views on issues related to poverty

PART: TWO

- 1) How long have been resident/worked in Viwandani (the study area)?
- 2) How have you been involved in poverty reduction in Viwandani?
- 3) How has the City Council responded to poverty in this Ward and in Nairobi in general?
- 4) What has the Poverty Reduction strategy meant to your work and relationship with the City of Nairobi?
- 5) Could you please narrate for me how the LASDAP has worked in Nairobi?
 - Actors/players and their roles and expectations from the process
 - How they interacted

- How did each of them understand the purpose of the LASDAP process
- Challenges faced and how they have been addressed
- Outcomes, successes and what did not turn out well
- What could have been done differently

6) In which parts of the ward has the LASDAP been successful/not successful in reducing poverty? Why?

7) What lessons or insights have you gained from the department and City's response to poverty?

Finally, I would like to get your personal views on some issues related to poverty in the City of Nairobi.

- **Notions of poverty**
- **City's response to poverty**
- **Planning for poverty**

THANK YOU.

TIME INTERVIEW ENDED

PERSONAL COMMENTS:

PART 5

POLITICIANS (MPS AND COUNCILLORS)

NAME

DATE:

LOCATION/PLACE:

TIME OF COMMENCEMENT OF INTERVIEW:

PART ONE: INTRODUCTION.

My names are Grace Lubaale, at present a PhD Candidate at the School of Architecture and Planning, at the University of the Witwatersrand, Johannesburg.

The purpose of my visit is mainly to talk to you about my research and get your views on the study. I trust your views and your thoughts will greatly enrich my study. I will begin with getting to know more about your role in this organisation.

- 1) How long have you been in this position?
- 2) What position did you hold before moving here?

Let me move on to asking specific question about the city's views on issues related to poverty

PART: TWO

- 1) How have you been involved in poverty reduction in Viwandani/Makadara?
- 2) How has the City Council responded to poverty in this Ward and in Nairobi in general?
- 3) What has the Poverty Reduction strategy meant to your work and relationship with the City of Nairobi?
- 4) Could you please narrate for me how the LASDAP has worked in Nairobi?
 - Actors/players and their roles and expectations from the process
 - How they interacted

- How did each of them understand the purpose of the LASDAP process
- Challenges faced and how they have been addressed
- Outcomes, successes and what did not turn out well
- What could have been done differently

5) In which parts of the Constituency/ward has the LASDAP been successful/not successful in reducing poverty? Why?

6) What lessons or insights have you gained from the department and City's response to poverty?

Finally, I would like to get you personal views on some issues related to poverty in the City of Nairobi.

- **Notions of poverty**
- **City's response to poverty**
- **Planning for poverty**

THANK YOU.

TIME INTERVIEW ENDED

PERSONAL COMMENTS:

Part 6

PROFESSIONALS AND OTHER KEY INFORMANTS WHO PARTICIPATED IN THE PROCESS:

NAME

DATE

LOCATION/PLACE:

TIME OF COMMENCEMENT OF INTERVIEW:

PART ONE: INTRODUCTION.

My names are Grace Lubaale, at present a PhD Candidate at the School of Architecture and Planning, at the University of the Witwatersrand, Johannesburg.

The purpose of my visit is mainly to talk to you about my research and get your views on the study. I trust your views and your thoughts will greatly enrich my study. I will begin with getting to know more about your role in this organisation.

- 1) How long have you been in the LASDAP processes?
- 2) What were you doing before you got involved in the LASDAP processes?

Let me move on to asking specific question about the city's views on issues related to poverty

PART: TWO

- 1) How have you been involved in poverty reduction in Viwandani?
- 2) How has the City Council responded to poverty in this Ward and in Nairobi in general?
- 3) What has the Poverty Reduction strategy meant to your work and relationship with the City of Nairobi?
- 4) Could you please narrate for me how the LASDAP has worked in Nairobi?
 - Actors/players and their roles and expectations from the process
 - How they interacted

- How did each of them understand the purpose of the LASDAP process
- Challenges faced and how they have been addressed
- Outcomes, successes and what did not turn out well
- What could have been done differently

5) In which parts of the ward has the LASDAP been successful/not successful in reducing poverty? Why?

6) What lessons or insights have you gained from the department and City's response to poverty?

Finally, I would like to get your personal views on some issues related to poverty in the City of Nairobi.

- **Notions of poverty**
- **City's response to poverty**
- **Planning for poverty**

THANK YOU.

TIME INTERVIEW ENDED

PERSONAL COMMENTS:

Part 7

ORGANISED COMMUNITIES, RESIDENTS OF COMMUNITIES WHERE LASDAP PROJECT (S) ARE LOCATED

Name

Date

LOCATION/PLACE:

TIME OF COMMENCEMENT OF INTERVIEW:

PART ONE: INTRODUCTION.

My names are Grace Lubaale, at present a PhD Candidate at the School of Architecture and Planning, at the University of the Witwatersrand, Johannesburg.

The purpose of my visit is mainly to talk to you about my research and get your views on the study. I trust your views and your thoughts will greatly enrich my study. I will begin with getting to know more about your role in this organisation.

- 1) How long have you been living in this village?
- 2) What position did you hold before moving here?

Let me move on to asking specific question about the city's views on issues related to poverty

PART: TWO

- 1) Talking about poverty in Nairobi, what does poverty mean? Who are the poor?
- 2) What are your experiences regarding the LASDAP and poverty reduction?
- 3) Could you please narrate for me how the LASDAP has worked in Viwandani?
 - Actors/players and their roles and expectations from the process
 - How they interacted
 - How did each of them understand the purpose of the LASDAP process
 - Challenges faced and how they have been addressed
 - Outcomes, successes and what did not turn out well

- What could have been done differently

4) In which parts of the ward has the LASDAP been successful/not successful in reducing poverty? Why?

5) What lessons or insights have you gained from the department and City's response to poverty?

THANK YOU.

TIME INTERVIEW ENDED

PERSONAL COMMENTS:

Outline Procedures for the case study

- Identify key informants, who will advise on the identification of suitable projects and triangulation of evidence gathered during the field study.
- Carefully study relevant documents and reports prior to any interviews as well as review materials from earlier interviews.
- Using questions listed, conduct open-ended interviews with purposefully sampled respondents.
- Tape and transcribe all interviews on an on-going basis.
- Prepare feed back reports to share at forums with the different interviews to further triangulate evidence and analysis.
- Whilst collecting data/evidence for this study, use multiple sources; build a database and maintain a chain of evidence.
- Finally, overlapping analysis with data collection.